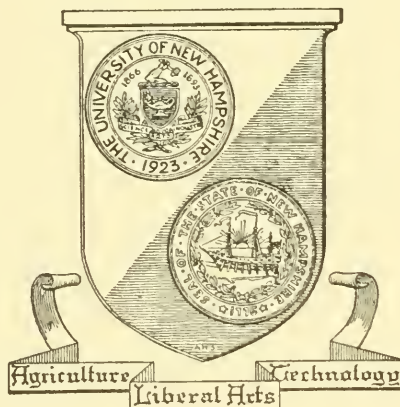






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JOURNAL  
OF THE  
HONORABLE SENATE  
JANUARY SESSION OF 1939



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# JOURNAL

## OF THE

### HONORABLE SENATE

JANUARY SESSION OF 1939

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WEDNESDAY, JANUARY 4, 1939.

At eleven o'clock in the forenoon of the first Wednesday in January in the year of Our Lord, One Thousand Nine Hundred and Thirty-Nine, being the day prescribed by the Constitution for the Legislature of New Hampshire to assemble, the following named persons elected Senators assembled in the Capitol in the City of Concord in said State, and His Excellency the Honorable Francis P. Murphy, Governor, having come into the Senate Chamber, took and subscribed the oaths of office and were duly qualified as Senators agreeably to the provisions of the Constitution, namely:

- |           |     |                      |
|-----------|-----|----------------------|
| Dist. No. | 1.  | Albert C. Lazure     |
|           | 2.  | John H. Finley       |
|           | 3.  | Lester E. Mitchell   |
|           | 4.  | Harry P. Smart       |
|           | 5.  | Frank J. Bryant      |
|           | 6.  | Curtis H. Page       |
|           | 7.  | Oliver H. Munroe     |
|           | 8.  | Harold G. Fairbanks  |
|           | 9.  | Charles F. Butler    |
|           | 10. | Marquis O. Spaulding |
|           | 11. | William Weston       |

- Dist. No. 12. Stanley James  
 13. Aldege A. Noel  
 14. Clarence J. Avery  
 15. Robert O. Blood  
 16. Ernest H. Bond  
 17. Denis F. Mahoney  
 18. Thomas B. O'Malley  
 19. Horace J. Brouillette  
 20. Edmond J. Marcoux  
 21. T. Jewett Chesley  
 22. William M. Cole  
 23. A. Ralph Estabrook  
 24. Charles M. Dale

His Excellency, the Governor, withdrawing, the Senate was called to order by Benjamin F. Greer, Clerk of the 1937 Session of the Senate.

The Clerk stated that the first business was the election of a temporary presiding officer.

On motion of Senator Munroe, seconded by Senator Butler, Senator Page was chosen temporary presiding officer.

The Clerk requested Senators Munroe and O'Malley to conduct the temporary presiding chairman to the Chair.

The Senate proceeded to the choice of a President by ballot with the following result:

Whole number of votes cast	24
Necessary for choice	13
Honorable Denis F. Mahoney had	6
Honorable Robert O. Blood had	18

and the Honorable Robert O. Blood having received a majority of all the votes cast was declared elected.

On motion of Senator Mahoney, the election of Senator Blood was made unanimous.



The Chair requested Senators Weston and Chesley to escort the President to the Chair.

The President having assumed the Chair thanked the Senators for the honor conferred upon him.

On motion of Senator Mahoney, the following resolution was adopted:

*Resolved*, That Benjamin F. Greer, as clerk, be elected by acclamation; that Frank M. Ayer as assistant clerk, be elected by acclamation; that Raymond B. Lakeman as sergeant-at-arms, be elected by acclamation; that Benjamin H. Bragg as messenger, be elected by acclamation; that William W. Allen as door-keeper, be elected by acclamation; and that Benjamin F. Greer, Frank M. Ayer, Raymond B. Lakeman, Benjamin H. Bragg and William W. Allen are hereby elected for the several positions named, respectively.

Thereupon Benjamin F. Greer, Frank M. Ayer, Raymond B. Lakman, Benjamin H. Bragg and William W. Allen appeared, signified their acceptance of the office to which they were elected respectively, and were duly sworn to the faithful discharge of their duties before the President.

A true record:

BENJAMIN F. GREER,  
*Clerk for 1937-1938.*

A true copy—Attest:

BENJAMIN F. GREER,  
*Clerk for 1937-1938.*

On motion of Senator Cole, the following resolution was adopted:

*Resolved*, That until otherwise ordered the Senate will meet at eleven o'clock in the forenoon and at two o'clock in the afternoon.

On motion of Senator Mahoney, the following resolution was adopted:

*Resolved*, That the Secretary of State be requested

to furnish the Senate with the official returns of votes from the various senatorial districts for the State.

On motion of Senator James, the following resolution was adopted:

*Resolved*, That the return of votes from the several Senatorial Districts be referred to a select committee of three with instructions to examine and count the same, and report to the Senate whether any vacancies exist, and, if so, in what Senatorial Districts.

The President appointed as members on such committee Senators Dale, Butler, and Mahoney.

On motion of Senator Dale, the following resolution was adopted:

*Resolved*, That the House of Representatives be informed that the Senate having assembled has organized by the choice of Robert O. Blood as President, Benjamin F. Greer as Clerk, Frank M. Ayer as Assistant Clerk, Raymond B. Lakeman as Sergeant-at-arms, William W. Allen as Doorkeeper and Benjamin H. Bragg as Messenger, and is now ready to proceed with the business of the session.

On motion of Senator Noel, the following resolution was adopted.

*Resolved*, That the Clerk of the Senate be authorized to furnish at the expense of the State during the session of 1939 two such daily newspapers printed within the State to the members and officers of the Senate as such members and officers may select and to the Governor and Council.

On motion of Senator Butler, the following resolution was adopted.

*Resolved*, That the Clerk be instructed to procure the services of three stenographers, one for the Judiciary Committee, one for the Finance Committee, and one as an assistant for the Clerks of the Senate, each to perform such duties as may be assigned to her.

Pursuant to the foregoing resolution, the Clerk

appointed Mrs. Bessie Callaghan of Manchester, Mrs. Ruth Cotton of Lebanon, and Miss Frances Hall of Concord.

On motion of Senator Page, the following resolution was adopted.

*Resolved*, That the President be authorized to appoint an Assistant Messenger and a Telephone Messenger for the ensuing session.

On motion of Senator Mitchell, the following resolution was adopted.

*Resolved*, That the rules of the Senate for the last session be the rules of the Senate for the present session until otherwise ordered.

On motion of Senator O'Malley, the following resolution was adopted.

*Resolved*, by the Senate, the House of Representatives concurring, that the joint rules of the last session of the Legislature be the joint rules of this session until otherwise ordered.

On motion of Senator Estabrook, the following resolution was adopted.

*Resolved*, That all bills and joint resolutions reported by the committees, with the exception of new bills originating in the committees, shall be handed to the Clerk, who shall cause a list of said bills and joint resolutions to be published in the appendix to the daily journal together with a report of the committee previous to their presentation to the Senate.

On motion of Senator Fairbanks, the following resolution was adopted.

*Resolved*, That the House of Representatives be informed that the Senate will be ready to meet the House in joint convention for the purpose of canvassing the votes for Governor and Councillors agreeably to the provisions in the Constitution at two o'clock this afternoon, and for the election of a Secretary of State, State Treasurer and Commissary General.



The Senate took a recess subject to the call of the Chair.

### Recess

The Senate re-assembled.

### House Message

The following message was received from the House of Representatives by its Clerk.

*Mr. President:*

The House of Representatives has passed the following resolution:

*Resolved*, That the Honorable Senate be informed that the House of Representatives has organized by the choice of Ansel N. Sanborn as Speaker, Cyril J. Fretwell as Clerk, Percy Congdon as Assistant Clerk and Guy S. Neal as Sergeant at Arms and is now ready to proceed with the business of the session.

The message further stated that the House of Representatives has passed the following resolution:

*Resolved*, That the Honorable Senate be informed that the House of Representatives will be ready to meet the Senate in joint convention for the purpose of canvassing the votes for Governor and Councilors, agreeably to the Constitution and for the election of a Secretary of State, State Treasurer and Commissary General at twelve o'clock this noon.

(See House Proceedings)

On return to the Senate Chamber the Senate was called to order.

On motion of Senator Cole, the rules were suspended and all business in order for this afternoon at two o'clock was made in order at the present time.

On motion of Senator Mahoney, the Senate adjourned.

THURSDAY, JANUARY 5, 1939.

The Senate met according to adjournment.

### House Message

The following message was received from the House of Representatives by its Clerk:

*Mr. President:*

The House of Representatives has passed the following resolution:

*Resolved*, That the Honorable Senate be notified that the House of Representatives will be ready to meet the Senate in joint convention at 12 o'clock for the purpose of receiving His Excellency, the Governor, and any communication he may be pleased to make, and for the transaction of such business as may properly come before such convention.

On motion of Senator Avery, the following resolution was adopted:

*Resolved*, That the rules of the Senate be published in the journal of the day that the list of the committees is published.

### Appointments

Pursuant to a resolution previously offered, the President appointed Paul A. Mansur Assistant Messenger and W. P. Haselton of Penacook, Telephone Messenger.

Pursuant to Chapter 145 of the Laws of 1935 relating to the New Hampshire Commission on Interstate Co-operation, the President has appointed as members of said Committee on the part of the Senate Senators Blood, Fairbanks, Avery, Cole and Mahoney.

On motion of Senator Fairbanks, the following resolution was adopted:

*Resolved*, That the Senate will be ready to meet the

House of Representatives in joint convention as suggested by the House Message, at 12:00 o'clock, for the purpose of receiving His Excellency, the Governor, and any communication that he may be pleased to make, and for the transaction of any other business that may properly come before such convention.

(See House Proceedings)

The Senate re-assembled.

### Resolutions

On motion of Senator Avery, the following resolution was adopted.

*Whereas*, the Interstate Assembly has been called by the Council of State Governments and the American Legislators' Association, to be held on Wednesday, Thursday, Friday and Saturday, January 18 to 21, 1939, inclusive, at the Mayflower Hotel, Washington, D. C., to consider Federal and State tax policies on the basis of the recommendations submitted by the Interstate Commission on Conflicting Taxation, which was established four years ago by the First Assembly; and

*Whereas*, it is apparent that substantial benefits would result from closer contacts between the Legislative and Administrative Divisions of the various State Governments, and that many governmental difficulties are aggravated by the absence of adequate facilities for conference between these bodies; and

*Whereas*, the present economic emergency creates an imperative necessity now emphasized by the President's Program of Economic Security for joint council and concerted action; and

*Whereas*, it is believed that the moment has now arrived for establishing adequate means for communication and conference between the States and the Federal Government; and

*Whereas*, the Senate of this State is invited to send as its delegates to this conference a delegation of its members, to be chosen in such manner as this body may determine; therefore

*Be it Resolved*, That the Senate of the State of New Hampshire hereby authorizes and instructs the President to appoint two members in addition to himself as a delegation to the Interstate Assembly, which convenes in Washington, D. C., on January 18, 1939. Such delegation shall be without power to commit the Senate to action; and

*Be it further Resolved*, That the said delegation shall be entitled to reasonable reimbursement for its reasonable expenses upon presentation of the proper statement of such expenses; and

*Be it further Resolved*, That the Clerk of the Senate immediately advise the corresponding secretary of the conference in care of the American Legislators' Association, Drexel Avenue and Fifty-eighth Street, Chicago, Illinois, of the appointment of such delegation.

Pursuant to the foregoing resolution the President appointed as members of the delegation on the part of the Senate, Senators Fairbanks and Avery.

On motion of Senator Cole, the rules were suspended and all business in order for this afternoon at two o'clock was made in order at the present time.

On motion of Senator Mahoney, the following resolution was adopted.

*Resolved*, That when the Senate adjourns this morning, it adjourn to meet tomorrow morning at 9:00 o'clock, and when it adjourns Friday morning, it be to meet Monday evening at 7:30 o'clock.

On motion of Senator Mahoney, the Senate adjourned.

FRIDAY, JANUARY 6, 1939.

The Senate met according to adjournment.

The President presiding.

There being manifestly no quorum present, the President declared the Senate adjourned.

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MONDAY, JANUARY 9, 1939.

The Senate met according to adjournment.

The President presiding.

There being manifestly no quorum present, the President declared the Senate adjourned.

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TUESDAY, JANUARY 10, 1939.

The Senate met according to adjournment.

### Communications

January 5, 1939.

TO PRESIDENT OF THE SENATE, ROBERT O. BLOOD,

*Dear Mr. President:*

The Concord Police Commission is well aware of the parking problem we have here in Concord and how it will affect the members of the Legislature, and we have sought to find a means of better accommodation for your members which would not involve undue in-



convenience for other citizens who have business to transact with state departments, or for citizens who need to drive to Concord's business section for other purposes.

We have decided to try out a plan which is similar to the one we adopted when the last Legislature was in session. In this trial we would earnestly ask the co-operation of the members of the Legislature.

The plan is to issue a wind-shield sticker to those members of the Legislature living outside the city of Concord who use their personal cars on official legislative business. Cars bearing such stickers will be exempted from parking time restrictions on days when the Legislature holds its three principal working sessions (Tuesdays, Wednesdays and Thursdays). These stickers will be issued to the members through the office of State Motor Vehicle Commission John F. Griffin, where they can be had upon application.

In granting this privilege, the Police Commission desires to call attention of the members to the fact that there are no parking restrictions on city streets west of State Street, except as may be specially marked or at fire hydrants, or on Center Street, one block north of the State House. It hopes the members who can conveniently do so will use these unrestricted areas as much as possible in order to avoid congestion near the State House, which, if it should become serious enough under the plan, might force cancellation of the privilege now extended for the purpose of trial.

We hope that this plan will work to the advantage of members of the Legislature in seasonably attending the sessions and that co-operation in its operation will permit us to continue it.

In order that the members may understand this effort on our part, we hope that this letter may be

read to the members at your first opportunity and that it be entered on your records.

Very truly yours,

The Concord Police Commission:

CHARLES L. JACKMAN,  
*Chairman.*

DANIEL J. SHEA,  
GUY A. SWENSON.

January 9, 1939.

Senator Robert O. Blood,  
Senate Chamber,  
State House,  
Concord, New Hampshire.

*Dear Senator Blood:*

You made use of the legislative service in the last session of the General Court. May I write to invite you and the other senators to call upon us this year when facts can be of help in making decisions? We shall welcome the opportunity to prove that with our facilities we can be helpful.

I should like to invite the senators also to come to the library, both to acquaint themselves with this State building in its remodeled condition and to enjoy the exhibits in the new exhibit room. The present exhibit called "Meet the Staff" will be followed on January 17 by paintings of Concord artists and an exhibit of the Department of Agriculture. You will find the entire staff happy to welcome you and to serve you.

Yours sincerely,

THELMA BRACKETT,  
*State Librarian.*

### Resolutions

On motion of Senator Avery, the following resolution was adopted.

*Resolved*, That a committee of two be appointed to confer with the Superintendent of the State House in making the necessary assignment of rooms for presiding officers and committees of the Senate, as soon as possible.

Pursuant to the above resolution, the President appointed Senators Avery and Fairbanks as the Committee.

On motion of Senator Fairbanks, the following resolution was adopted.

*Resolved*, That the standing rules of the Senate be amended by striking out the whole of Rule No. 24 and inserting in place thereof the following:

The following standing committees, to consist of five members each, unless otherwise stated, shall be appointed at the commencement of any session: a Committee on Agriculture; a Committee on State Prison and Industrial School; a Committee on Banks; a Committee on Claims and Incorporations; a Committee on Education; a Committee on Elections; a Committee on Fisheries and Game; a Committee on Forestry; a Committee on Finance; a Committee on Insurance; a Committee on Judiciary; to consist of seven members; a Committee on Labor; a Committee on Liquor Laws; a Committee on Military Affairs and Soldiers' Home; a Committee on Public Health; a Committee on Transportation; a Committee on Revision of Laws; a Committee on Public Improvements, to consist of five members; a Committee on State Hospital and Laconia State School; a Committee on Towns and Counties; a Committee on University of New Hampshire and Normal Schools; a Committee on Ways and Means, to consist of seven members. There shall also be a Committee

on Rules, to consist of three members, one of whom shall be the President.

### Introduction of Resolution

Senator Weston introduced the following joint resolution, which was read a first and second time, laid on the table to be printed and referred to the Committee on Judiciary.

Senate Joint Resolution No. 1, Joint Resolution relative to a commission for investigation of flood control and power development in New Hampshire.

On motion of Senator Weston, the rules were suspended, printing and reference to committee dispensed with, and the foregoing joint resolution was read a third time and passed.

The Honorable Enoch D. Fuller, Secretary of State, appeared and presented the returns of votes for Senators from the several senatorial districts from the Secretary's Office.

### Committee Report

The select committee to whom was referred the returns of votes for Senators from the several districts having attended to their duties and having examined the returns made to the Secretary of State and the records in the office of said Secretary, report that they find the state of the vote returned from the several districts as follows:

#### First District

Albert C. Lazure, d., Berlin .....	3995
Arthur L. Thomas, r., Berlin .....	3706
<hr/>	
Plurality for Lazure .....	289

#### Second District

John H. Finley, r., Colebrook .....	4,158
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John A. Seymour, d., Carroll ..... 2,280

Plurality for Finley ..... 1,878

### Third District

Lester E. Mitchell, r., Campton ..... 4,439

Moses A. Batchelder, d., Plymouth .. 2,626

Plurality for Mitchell ..... 1,813

### Fourth District

Harry P. Smart, r., Ossipee ..... 4,770

Harold B. Trask, d., Tamworth ..... 1,758

Plurality for Smart ..... 3,012

### Fifth District

Frank J. Bryant, r., Lebanon ..... 4,687

William H. Brock, d., Hanover ..... 2,478

Plurality for Bryant ..... 2,209

### Sixth District

Curtis H. Page, r., Gilmanton ..... 5,050

Arthur H. Vaughn, d., Laconia ..... 2,969

Plurality for Page ..... 2,081

### Seventh District

Oliver H. Munroe, r., Andover ..... 3,803

Louis H. Douphinett, d., Franklin ... 3,351

Plurality for Munroe ..... 452

### Eighth District

Harold G. Fairbanks, r., Newport ... 5,477



**Ninth District**

Charles F. Butler, r., Hillsborough . . .	4,277
Sherman P. Fellows, d., Salisbury . . .	2,036

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Plurality for Butler . . . . .	2,241
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**Tenth District**

Marquis O. Spaulding, r., Keene . . .	4,071
James F. Cady, d., Keene . . . . .	1,813

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Plurality for Spaulding . . . . .	2,258
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**Eleventh District**

William Weston, r., Hancock . . . . .	3,572
Edward J. Hanna, d., Swanzey . . . . .	1,831

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Plurality for Weston . . . . .	1,741
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**Twelfth District**

Stanley James, r., Nashua . . . . .	5,006
Nelson Gendron, d., Nashua . . . . .	2,312

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Plurality for James . . . . .	2,694
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**Thirteenth District**

Aldege A. Noel, d., Nashua . . . . .	5,671
Lyman W. Hills, r., Nashua . . . . .	2,250

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Plurality for Noel . . . . .	3,421
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**Fourteenth District**

Clarence J. Avery, r., Goffstown . . .	4,088
Alcide Courtemanche, d., Allenstown .	3,493

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Plurality for Avery . . . . .	595
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**Fifteenth District**

Robert O. Blood, r., Concord .....	3,903
Major L. Rodd, d., Concord .....	2,209
<hr/>	
Plurality for Blood .....	1,694

**Sixteenth District**

Ernest H. Bond, r., Manchester .....	3,269
W. Francis Murphy, d., Manchester ..	2,827
<hr/>	
Plurality for Bond .....	442

**Seventeenth District**

Denis F. Mahoney, d., Manchester ...	3,538
Floyd Thorp, r., Manchester .....	3,219
<hr/>	
Plurality for Mahoney .....	319

**Eighteenth District**

Thomas B. O'Malley, d., Manchester ..	7,662
Alfred St. Laurent, r., Manchester ...	2,652
<hr/>	
Plurality for O'Malley .....	5,010

**Nineteenth District**

Horace J. Brouillette, d., Manchester .	3,204
Albert E. Beaudette, r., Manchester ..	1,332
<hr/>	
Plurality for Brouillette .....	1,872

**Twentieth District**

Edmond J. Marcoux, d., Rochester ...	5,301
Ned L. Parker, r., Farmington .....	4,518
<hr/>	
Plurality for Marcoux .....	783

**Twenty-First District**

T. Jewett Chesley, r., Dover . . . . .	4,125
John S. Elliott, d., Madbury . . . . .	3,257

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Plurality for Chesley . . . . .	868
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**Twenty-Second District**

William M. Cole, r. and d., Derry . . . .	10,364
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**Twenty-Third District**

A. Ralph Estabrook, r., Newton . . . . .	5,748
Lester E. Williams, d., Exeter . . . . .	1,869

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Plurality for Estabrook . . . . .	3,879
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**Twenty-Fourth District**

Charles M. Dale, r., Portsmouth . . . . .	5,228
Edmund R. Fay, d., Portsmouth . . . . .	2,973

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Plurality for Dale . . . . .	2,255
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**President's Address**

The President addressed the Senate as follows:

Under the constitution of New Hampshire, from which all government authority springs, three essential divisions of government are created,—the legislative, executive, and judicial. Upon the first, of which the Senate is a part, the latter two are dependent. It is the legislature which determines policies, lays down the fields within which government shall act. It devolves upon the others to administer and interpret the acts of the legislature.

The constitution declares that these three divisions of government “ought to be kept as separate *from*, and independent *of*, each other as the nature of a free government will admit.”

At the same time the constitution recognizes that there is room for co-operation in all affairs of government for it speaks of "that chain of connection that binds the whole fabric of the constitution in one indissoluble bond of union and amity."

We are beginning a new session of the legislature. As senators, and as a senate, we should be *fair, considerate, thorough* and at the same time judge and act in the terms of benefit for the welfare of the whole state as we see it. In the course of reaching decisions we will, undoubtedly, have differences of opinion. We can be expected to disagree among ourselves and perhaps to disagree with others. But in our disagreements we should not fail to be friends. Our disagreements should be honest inspiration, the disagreements which are natural among free men and which, in the long run, make for the forging of better government under laws than arbitrary decisions which are characteristic of government by men.

It is my hope that the daily sessions of the senate can begin promptly after morning prayers and that the work of the day can be completed without delay.

To the end that we can work more rapidly it is my desire that no one, other than members of the legislature, shall be admitted to the floor of the senate during the hours of session except by special invitation of a senator or permission of the President.

It is planned to keep a more comprehensive record of our work through presence of a stenographer to record debate.

We have now completed all the preliminary phases of organization of the new administration, the legislature and particularly of the senate. By the very nature of the case personalities were involved. That stage has passed. Personalities need no longer be an influence in our decisions.

As senators we are a part of representative government. In the early days issues before legislative bodies were relatively few and comparatively simple when contrasted with the many issues relating to complex problems which come before all legislative bodies in this age.

Even in the early days, however, the principle of representative government was two-fold. First it was agreed that no matter how well informed, people at home could not know all of the details necessary to final judgments. And so their conception was that the members of the legislature, who were close to the people and could know their views, should come together to learn and act in the best interests of all the people.

In all our deliberations, and in all our judgments, our first consideration should be directed to doing the job fairly and well. But I believe we should also aim to complete our work in a reasonable time. Extended sessions of the legislature are expensive to the State costing approximately \$2,300 per day not including fixed salaries of members and I believe that we as a senate should do everything possible to reduce the length of the sessions for this reason and, also, because every member of the legislature will be anxious to get back to his own occupation and that it would be much easier to obtain the type of members who should go to the legislature if it were known that the sessions would last not more than three to four months. I can see no reason why with early introduction of bills, early scheduling of hearings and prompt reports, we should not end the session before May 1.

To the end that we as a senate may contribute to prompt handling of the legislative business I have consolidated the suggestions made by many senators in an effort to promote, constructively, a short session.



I believe that joint hearings on the budget by the Finance Committee and Appropriation Committee, similar to those held in the 1935 session, would greatly assist, not only in an early completion of the budget but be a great convenience to the department heads and that this method should be followed again this year. There should be the closest co-operation between the House and Senate to bring about better handling of legislative business.

It is suggested that the standing committees of the senate be called together immediately by the chairmen for the purposes of completing organization by election of a clerk. When chosen the names should be reported to the clerk of the senate.

In the beginning, certainly, and perhaps through the entire session, certain of our committees will bear the heavy load. It has been the definite intention of your President to so arrange assignments as to create committees whose work will be shared by the largest possible number of senators and at the same time avoid delays due to conflicting memberships of individual senators. While this is not possible with respect to all committees, I would like to point out that assignments of senators to the committees on finance, judiciary and revision of laws is such that there is no conflict in membership. This will make it possible for each of these committees to meet daily, following the morning session of the senate at 11:30 to schedule hearings more rapidly and complete the work more advantageously.

Our first effort should be to act in the interest of the entire State. In so doing we should have regard for the opinions of our constituents. To those who come here to plead special causes we should give fair and courteous hearing. But we should never forget that the people maintain no special counsel and depend upon us as senators to protect their interests.

Likewise we should receive suggestions and recommendations of other public officials, who also have responsibilities to the people.

Having entertained all the evidence we should act courageously as fair-minded men, free of prejudice, to the end that we may give the best of our hearts and minds to the welfare of the State we have come here to serve.

It is in that spirit of fairness and co-operation that I undertake the duties you have imposed upon me as the President of the Senate.

### Standing Committees

*Agriculture*—Senators Spaulding, Mitchell, Weston, Butler, Lazure.

*Banks*—Senators Fairbanks, Chesley, Page, Bond, Lazure.

*Claims and Incorporations*—Senators Estabrook, Butler, Avery, Finley, Noel.

*Education*—Senators Munroe, Page, Dale, Bryant, O'Malley.

*Election*—Senators Noel, Mitchell, Cole, Finley, Brouillette.

*Finance*—Senators Butler, Fairbanks, Page, Mitchell, O'Malley.

*Fisheries and Game*—Senators Mitchell, Estabrook, Munroe, Mahoney, Marcoux.

*Forestry*—Senators Smart, Finley, Spaulding, Fairbanks, Marcoux.

*Insurance*—Senators Cole, James, Finley, Bond, Mahoney.

*Judiciary*—Senators Weston, Cole, Bryant, Munroe, Estabrook, Mahoney, Lazure.

*Labor*—Senators Bryant, Smart, Spaulding, Bond, Brouillette.

*Liquor Laws*—Senators Weston, James, Butler, Bryant, Mahoney.

*Military Affairs and Soldiers' Home*—Senators O'Malley, Dale, Avery, Munroe, Fairbanks.

*Public Health*—Senators Chesley, Avery, Spaulding, Bond, Noel.

*Public Improvements*—Senators Avery, Bond, James, Finley, Noel.

*Transportation*—Senators Mahoney, Estabrook, Mitchell, Smart, Spaulding.

*Revision of Laws*—Senators Dale, Avery, Spaulding, Smart, Marcoux.

*State Hospital and Laconia State School*—Senators Bond, Weston, Butler, Dale, Marcoux.

*State Prison and Industrial School*—Senators James, Cole, Mitchell, Bond, Brouillette.

*Towns and Counties*—Senators Finley, Smart, Munroe, Fairbanks, Brouillette.

*University of New Hampshire and Normal Schools*—Senators Page, Bryant, Chesley, Dale, Lazure.

*Ways and Means*—Senators Page, Chesley, Bryant, Smart, Dale, Noel, Marcoux.

*Coastwise Improvements*—Senators Estabrook, Chesley, Dale, Cole, Brouillette.

### Joint Standing Committees

*Joint Rules*—President Blood, Weston, Mahoney.

*Engrossed Bills*—Senators Munroe, Lazure.

*State House and State House Yard*—Senators Cole, James, Spaulding, Fairbanks, O'Malley.

*State Library*—Senator Lazure.

### Rules of the Senate

1. The president having taken the chair, and a quorum being present the journal of the preceding day shall be read, if ordered by the president or called for by any other member, and any erroneous entry shall be corrected.

2. No member shall hold conversation with another during the reading of the journal, or while a member is speaking in debate.

3. Every member, rising to speak, shall address the president and when he has finished shall sit down.

4. No member shall speak more than twice on the same question on the same day, without leave of the Senate.

5. More than one member rising to speak at the same time, the president shall decide who shall speak first.

6. If any member transgress the rules of the Senate, the president shall, or any member may, call him to order; in which case the member so called to order shall sit down, and the Senate, if appealed to, shall decide the case but if there be no appeal, the decision of the president shall be conclusive.

7. No member shall absent himself without permission from the Senate.

8. A motion shall be seconded before it is debated; and if required by the president or any member, it shall be reduced to writing.

9. When any question is under debate; no motion shall be received, but, first, to adjourn; second, to lay on the table; third, for the previous question; fourth, to postpone indefinitely; fifth, to postpone to a certain day; sixth, to commit; seventh, to amend; which several motions shall have precedence in the order in which they are arranged. No motion to postpone indefinitely, to postpone to a certain day, or to commit, being decided, shall be in order at the same stage of the bill or proposition, until after an adjournment.

10. If the question under debate will admit of division, any member may have it divided; and, in filling blanks, the longest time and the largest sum shall be put first.

11. When the reading of a paper is called for, and the same is objected to, it shall be decided by a vote of the Senate, and without debate.

12. When the yeas and nays are required, each member shall declare his assent or dissent to the question, unless for special reasons he be excused by the Senate.

13. When a motion is made to shut the doors of the Senate, on the discussion of any business which in the opinion of any member may require secrecy, the president shall require the gallery to be closed; and the doors shall remain closed until the subject is disposed of.

14. After a motion has been decided, it shall be in order for any member who voted with the majority, or if the Senate be equally divided, any member voting on the side prevailing, to move for a reconsideration thereof, unless the bill, resolution, report, amendment, or motion on which the vote was taken has gone from the possession of the Senate; but no motion to reconsider shall be in order unless made the same day on which the vote was taken or the next day after that on which the vote was taken, on which the Senate shall be in session.

15. Before any petition or memorial address to the Senate shall be received and read, a brief statement of the contents thereof shall be made by the member introducing the same.

16. Every bill shall be read three times before its passage and the president shall give notice at each



time whether it be the first, second or third reading; each reading of the bill shall be by title only unless there is a request from any member of the Senate for the full reading of the bill; no bill after it has been read a second time shall have a third reading before an adjournment.

17. All resolutions which may require the signature of the governor shall be treated in the same manner as bills.

18. When a bill shall have been read a first time and ordered to a second reading, it shall be immediately read a second time by its title, and by the president referred to the appropriate standing committee, unless otherwise ordered by the Senate.

19. All bills introduced in the Senate, to repeal or modify an existing statute, shall refer to the act proposed to be repealed or modified by the title and session at which it was passed, and no bill shall refer to any statute by the number of the chapter of the pamphlet laws.

20. The Senate may resolve itself into a committee of the whole at any time on motion for that purpose; and in forming a committee of the whole, the president shall leave the chair, and may appoint a chairman to preside in committee. The president may at any time name any member to perform the duties of the chair; but such substitution shall not extend beyond one legislative day.

21. The last question, upon the second reading of a bill or resolution shall always be, Shall it be read a third time? and no amendment shall be received or discussed on the third reading of any bill or resolution unless by consent of sixteen members present, but it shall at all times be in order, before the final passage

of a bill or resolution, to move its commitment; and should such commitment take place, and an amendment be reported, the bill or resolution shall again be read a second time, and considered as in committee of the whole.

22. The titles of bills, and such parts thereof as may be affected by proposed amendment, shall be entered on the journals.

23. All bills, resolutions, and addresses, after passing the Senate, shall be signed by the president and all warrants and other processes issued by order of the Senate shall be under his hand and seal attested by the clerk.

24. The following standing committees, to consist of five members each, unless otherwise stated, shall be appointed at the commencement of any session; a Committee on Agriculture; a Committee on State Prison and Industrial School; a Committee on Banks; a Committee on Claims and Incorporations; a Committee on Education; a Committee on Elections; a Committee on Fisheries and Game; a Committee on Forestry; a Committee on Finance; a Committee on Insurance; a Committee on Judiciary, to consist of seven members; a Committee on Labor; a Committee on Liquor Laws; a Committee on Military Affairs and Soldier's Home; a Committee on Public Health; a Committee on Transportation; a Committee on Revision of Laws; a Committee on Public Improvements, to consist of five members; a Committee on State Hospital and Laconia State School; a Committee on Towns and Counties; a Committee on University of New Hampshire and Normal Schools; a Committee on Ways and Means, to consist of seven members. There shall also be a Committee on Rules, to consist of three members, one of whom shall be the President.

25. All committees shall be appointed by the president, unless otherwise directed by the Senate.

26. When the Senate shall concur with the House of Representatives in the appointment of a joint committee, consisting of not more than five members of the House, two members shall be added on the part of the Senate, but when more than five, three members of the Senate shall be added.

27. Messages shall be sent to the House of Representatives by the clerk of the Senate.

28. Messages from the Governor or House of Representatives may be received at all times, except when the Senate is engaged in putting the question, in calling the yeas and nays, in counting the ballots, or in reading the journal.

29. All questions shall be put by the president, and each member of the Senate shall signify his assent or dissent by answering yea or nay. If the president doubts, or a division is called for, the Senate shall divide. Those in the affirmative of the question shall first rise from their seats and stand till they be counted. The president shall then rise and state the decision of the Senate.

30. No person except the members of the executive, or members of the House of Representatives and its officers, shall be admitted within the bar of the Senate, except by invitation of the president, or some member with his consent.

31. The Senate shall adjourn to meet at eleven o'clock in the morning and two o'clock in the afternoon of each day unless the Senate shall otherwise order.

32. Motions to adjourn, to lay on the table, for the

previous question, and to take from the table, shall be decided without debate.

33. No standing rule of the Senate shall be suspended unless two-thirds of the members present vote in favor thereof, and no rule shall be rescinded unless one day's notice of the motion has been given and two-thirds of those present vote therefor.

34. Each bill and joint resolution, except private acts, originating in the Senate shall be declared by the president to be laid upon the table, and the clerk directed to procure a sufficient number of printed copies thereof for the use of the Senate, and cause the same to be distributed to the members, and when so printed and distributed the bill shall be immediately delivered to the committee to which it shall have been referred. Every bill or joint resolution so introduced shall be headed "Senate Bill" or "Senate Joint Resolution," as the case may be.

Every bill and joint resolution appropriating money, which has been favorably reported by another committee, shall be recommitted to the Committee on Finance for revision.

On motion of Senator Cole, the rules were suspended and all business in order for this afternoon at two o'clock was made in order at the present time.

On motion of Senator Mahoney, the Senate adjourned.

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WEDNESDAY, JANUARY 11, 1939.

The Senate met according to adjournment.

### Leave of Absence

Senator Fairbanks was granted leave of absence on account of important business.

### House Message

The following message was received from the House of Representatives by its Clerk.

*Mr. President:*

The House of Representatives concurs with the Honorable Senate in the passage of the following joint resolution with amendment, in the passage of which amendment the House of Representatives asks the concurrence of the Honorable Senate:

Senate Joint Resolution No. 1, Joint resolution relative to a Commission for investigation of flood control and power development in New Hampshire.

Amend said resolution by adding at the end thereof the following:

A sum not to exceed five thousand dollars (\$5,000) be and hereby is appropriated for said inquiry and investigation, and the governor is hereby authorized to draw his warrant for said sum or so much thereof as is necessary out of any money in the treasury not otherwise appropriated.

On motion of Senator Butler, the Senate voted to concur with the House of Representatives in the adoption of the amendment sent up from the House of Representatives.

### Introduction of Bills

Senator Cole introduced the following entitled bill which was read a first and second time, laid on the table to be printed and referred to the Committee on Insurance.

Senate Bill No. 1, An act authorizing joint control by sureties.

Senator Spaulding introduced the following entitled bill which was read a first and second time, laid on the table to be printed and referred to the Committee on Revision of Laws.

Senate Bill No. 2, An act providing for emergency use of motor vehicle trucks for lumber salvaging.

### Committee Report

Senator Avery, for the committee to whom was referred the assignment of rooms by the President for the Standing Committees of the Senate and the Joint Standing Committees of the House and Senate, reported the following resolution:

*Resolved*, That the assignment of rooms to the several committees of the Senate and the Joint Standing Committees of the Senate and House be as follows:

#### Standing Committees of the Senate 1939

*Agriculture*—Room 120, Department of Agriculture. Senators Spaulding, Mitchell, Weston, Butler, Lazure.

*Banks*—Room 302, Bank Commission. Senators Fairbanks, Chesley, Page, Bond, Lazure.

*Claims and Incorporations*—Room 316, Investigation. Senators Estabrook, Butler, Avery, Finley, Noel.

*Education*—Room 300, Patriot Building. Senators Munroe, Page, Dale, Bryant, O'Malley.

*Elections*—Senate Gallery. Senators Noel, Mitchell, Cole, Finley, Brouillette.

*Finance*—Room 105, State Treasurer. Senators Butler, Fairbanks, Page, Mitchell, O'Malley.

*Fisheries and Game*—Room 203, Superintendent's Office. Senators Mitchell, Estabrook, Munroe, Mahoney, Marcoux.

*Forestry*—Room 310, Cancer Commission. Senators Smart, Finley, Spaulding, Fairbanks, Marcoux.



*Insurance*—Room 113, Insurance Commission. Senators Cole, James, Finley, Bond, Mahoney.

*Judiciary*—Room 312, Attorney General's Office. Senators Weston, Cole, Bryant, Munroe, Estabrook, Mahoney, Lazure.

*Labor*—Room 310. Senators Bryant, Smart, Spaulding, Bond, Brouillette.

*Liquor Laws*—Patriot Building, Liquor Commission. Senators Weston, James, Butler, Bryant, Mahoney.

*Military Affairs and Soldiers' Home*—Room 102, Adjutant General's Office. Senators O'Malley, Dale, Avery, Munroe, Fairbanks.

*Public Health*—Room 107, Board of Health. Senators Chesley, Avery, Spaulding, Bond, Noel.

*Public Improvements*—Room 105, State Treasurer. Senators Avery, Bond, James, Finley, Noel.

*Transportation*—Senate Gallery. Senators Mahoney, Estabrook, Mitchell, Smart, Spaulding.

*Revision of Laws*—Room 310, Attorney General's Office. Senators Dale, Avery, Spaulding, Smart, Marcoux.

*State Hospital and Laconia State School*—Senate Stenographers' Room. Senators Bond, Weston, Butler, Dale, Marcoux.

*State Prison and Industrial School*—Senate Stenographers' Room. Senators James, Cole, Mitchell, Bond, Brouillette.

*Towns and Counties*—Room 314, Attorney General's Office. Senators Finley, Smart, Munroe, Fairbanks, Brouillette.

*University of New Hampshire and Normal Schools*—Room 300, Patriot Building. Senators Page, Bryant, Chesley, Dale, Lazure.

*Ways and Means*—Room 212, Tax Commission.

Senators Page, Chesley, Bryant, Smart, Dale, Noel, Marcoux.

*Coastwise Improvements*—Senate Chamber. Senators Estabrook, Chesley, Dale, Cole, Brouillette.

On motion of Senator Cole, the following resolution was adopted.

*Resolved*, That the rules be suspended and all business in order for this afternoon at two o'clock be made in order at the present time.

On motion of Senator Bond, the Senate adjourned.

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## THURSDAY, JANUARY 12, 1939.

The Senate met according to adjournment.

### Leaves of Absence

Senators Lazure and Estabrook were granted leaves of absence on account of important business.

### House Message

The following message was received from the House of Representatives by its Clerk:

*Mr. President:*

The House of Representatives has passed the following concurrent resolution in the passage of which it asks the concurrence of the Honorable Senate.

### Concurrent Resolution

For the observance of Lincoln's Birthday February 12, 1939.

*Resolved by the Senate and House of Representatives in General Court convened:*

*That* the House of Representatives and the Senate of New Hampshire in joint convention make observance of Lincoln's Birthday under date of February 9,

1939, at twelve o'clock, noon, and that the Speaker of the House and the President of the Senate be authorized to arrange for a suitable address.

On a *viva voce* vote the Senate voted to concur with the House of Representatives in the adoption of the concurrent resolution.

The message further stated that the House of Representatives has passed the following joint resolution in the passage of which it asks the concurrence of the Honorable Senate.

House Joint Resolution No. 2, Joint resolution providing for state advertising at the New York World's Fair.

### Read and Referred

The following entitled joint resolution sent up from the House of Representatives was read a first and second time and referred,

To the Committee on Finance,

House Joint Resolution No. 2, Joint resolution providing for state advertising at the New York World's Fair.

On motion of Senator Butler, the rules were suspended, reference to committee dispensed with and the foregoing joint resolution was read a third time and passed.

### Bill Engrossed

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled joint resolution.

Senate Joint Resolution No. 1, Joint resolution relative to a commission for investigation of flood control and power development in New Hampshire.

OLIVER H. MUNROE,  
*For the Committee.*

On motion of Senator Munroe, the rules were suspended and all business in order for this afternoon at two o'clock was made in order at the present time.

### Personal Privilege

Senator Dale rose to a question of personal privilege and stated that he was not the sponsor of Senate Bill No. 2, An act providing for emergency use of motor vehicle trucks for lumber salvaging, as recorded and requested that his name be withdrawn from the records.

On motion of Senator Noel, the following resolution was adopted.

*Resolved*, That when the Senate adjourns this morning, it adjourn to meet tomorrow morning at 9:00 o'clock, and when it adjourns Friday morning, it be to meet Monday evening at 7:00 o'clock.

On motion of Senator Mahoney, the Senate adjourned.

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### FRIDAY, JANUARY 13, 1939.

The Senate met according to adjournment.

The President presiding.

There being manifestly no quorum present, the President declared the Senate adjourned.

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### MONDAY, JANUARY 16, 1939.

The Senate met according to adjournment.

The President presiding.

There being manifestly no quorum present, the President declared the Senate adjourned.

TUESDAY, JANUARY 17, 1939.

The Senate met according to adjournment.

### Leave of Absence

Senator Mitchell was granted leave of absence on account of important business.

### Communication

Senator Robert O. Blood,  
Senate Chamber,  
State House,  
Concord, New Hampshire.

*Dear Senator Blood:*

Paintings by Concord artists are now being shown in the State Library. Senators are all invited to view the exhibit. Since this afternoon, which is the opening day, will be a special occasion with some of the artists present and tea being served, it is hoped that members of the Senate will find time to drop in between three and four-thirty.

Another new exhibit is that of New Hampshire insects arranged by the Department of Agriculture. This exhibit shows in a life-like fashion some of the enemies of New Hampshire residents.

Yours sincerely,

THELMA BRACKETT,  
*State Librarian.*

### Introduction of Bills

Senator O'Malley introduced the following entitled bill which was read a first and second time, laid upon the table to be printed and referred to the Committee on Judiciary.

Senate Bill No. 3, An act authorizing the creation of housing authorities in cities and towns having a popu-

lation of more than 10,000 inhabitants, defining their powers and duties, and authorizing cities, towns, counties and other public bodies to aid and co-operate in the undertaking of slum-clearance and housing projects for families of low income.

Senator Fairbanks introduced the following entitled bill which was read a first and second time, laid upon the table to be printed and referred to the Committee on Revision of Laws.

Senate Bill No. 4, An act to increase the salary of the County Treasurer of Sullivan County.

### Bill Engrossed

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled joint resolution.

House Joint Resolution No. 2, Joint resolution providing for state advertising at the New York World's Fair.

OLIVER H. MUNROE,  
*For the Committee.*

### Appointments

Pursuant to the provisions of Senate Joint Resolution No. 1, Joint resolution relative to the establishment of a Commission for investigation of flood control and power development in New Hampshire, the President appointed as member on the part of the Senate Senator Butler.

Pursuant to the provisions of Concurrent Resolution relating to the observation of Lincoln's Birthday, the President announced the selection of Francis H. Buffum as orator of the day.

### Resolution

On motion of Senator Weston, the following resolution was adopted.



*Resolved*, That the Clerk be instructed to procure additional copies of journals, bills and joint resolutions where the supply is exhausted.

On motion of Senator Munroe the rules were suspended and all business in order for this afternoon at two o'clock was made in order at the present time.

On motion of Senator Mahoney the Senate adjourned.

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### WEDNESDAY, JANUARY 18, 1939.

The Senate met according to adjournment.

Senator Page having assumed the Chair, the following communication was read:

January 18, 1939.

*Senator Page:*

Please preside for me at to-day's session of the New Hampshire Senate, and oblige.

ROBERT O. BLOOD,  
*President.*

### Leaves of Absence

Senators Blood, Fairbanks, Emery, Bond and Spaulding were granted leave of absence on account of important business.

### Introduction of Bills

Senator James introduced the following entitled bill which was read a first and second time, laid upon the table to be printed and referred to the Committee on Revision of Laws.

Senate Bill No. 5, An act relative to conduct of candidates at primaries and elections and notification of candidates by the Secretary of State.

Senator Mahoney introduced the following joint resolution, which was read a first and second time, laid upon the table to be printed and referred to the Committee on State House and State House Yards.

Senate Joint Resolution No. 2, Joint resolution for the purchase of a topographic relief map.

### Recess

The Senate re-assembled.

### Concurrent Resolution

On motion of Senator Brouillette the following concurrent resolution was adopted and sent to the House of Representatives for concurrence.

*Resolved by the Senate and House of Representatives in General Court convened:*

That the members of the New Hampshire Commission in Interstate Co-operation be instructed to urge the Federal authorities not to discontinue the Federal program for Flood Control in New Hampshire.

On motion of Senator Munroe, the rules were suspended and all business in order for this afternoon at two o'clock was made in order at the present time.

On motion of Senator Mahoney, the Senate adjourned.

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THURSDAY, JANUARY 19, 1939.

The Senate met according to adjournment.  
Senator Mahoney in Chair.

### Leaves of Absence

Senators Blood, Fairbanks and Avery were granted leaves of absence on account of State business.

Senators Lazure and Estabrook were granted leaves of absence on account of important business.

### Reconsideration

Senator Weston moved that the Senate reconsider the vote whereby the concurrent resolution,

*Resolved by the Senate and House of Representatives in General Court convened,* That the members of the New Hampshire Commission on Interstate cooperation be instructed to urge the Federal authorities not to discontinue the Federal program for Flood Control in New Hampshire, was adopted.

The Chair requested a division.

Fourteen Senators having voted in the affirmative and four in the negative, the affirmative prevailed and the motion to reconsider was adopted.

Senator Smart moved that the concurrent resolution be indefinitely postponed.

(Discussion ensued)

Senator Brouillette demanded a roll call.

The question being stated, Shall the concurrent resolution be indefinitely postponed?

The Clerk proceeded to call the roll.

The following named Senators voted in the affirmative: Senators Finley, Mitchell, Smart, Bryant, Page, Munroe, Butler, Spaulding, Weston, James, Bond, Chesley, Cole and Dale.

The following named Senators voted in the negative: Senators Noel, O'Malley, Brouillette and Marcoux.

Fourteen Senators having voted in the affirmative and four in the negative, the affirmative prevailed and the concurrent resolution was indefinitely postponed.

### House Message

The following message was received from the House of Representatives by its Clerk:

*Mr. President:*

The House of Representatives has passed the following entitled bill, in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 55, An Act validating certain proceedings of the town school district of Conway.

### Read and Referred

The following entitled bill sent up from the House of Representatives was read a first and second time, and referred to the Committee on Judiciary.

House Bill No. 55, An Act validating proceedings of the town school district of Conway.

On motion of Senator Smart, the rules were suspended, reference to committee dispensed with and the foregoing entitled bill was read a third time and passed.

On motion of Senator Munroe, the rules were suspended and all business in order for this afternoon at two o'clock was made in order at the present time.

On motion of Senator Noel, the following resolution was adopted:

*Resolved*, That when the Senate adjourn this morning it adjourn to meet to-morrow morning at 9:00 o'clock, and when it adjourns Friday morning, it be to meet Monday evening at 7:00 o'clock.

### Recess

The Senate re-assembled.

On motion of Senator Noel, the Senate adjourned.

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FRIDAY, JANUARY 20, 1939.

The Senate met according to adjournment.

Senator Mahoney, having assumed the Chair, the following communication was read:

January 20, 1939.

*Senator Mahoney,*

Please preside for me at today's session of the New Hampshire Senate, and oblige.

ROBERT O. BLOOD.

*President.*

There being manifestly no quorum present, the President declared the Senate adjourned.

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MONDAY, JANUARY 23, 1939.

The Senate met according to adjournment.

The President presiding.

There being manifestly no quorum present, the President declared the Senate adjourned.

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TUESDAY, JANUARY 24, 1939.

The Senate met according to adjournment.

### Introduction of Guests

### House Message

The following message was received from the House of Representative by its Clerk.

*Mr. President:*

The House of Representatives has passed the following joint resolution in the passage of which it asks the concurrence of the Honorable Senate:

House Joint Resolution No. 4, Joint resolution in favor of Guy S. Neal and others.

The message further stated that the House of Representatives has passed a bill with the following title, in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 16, An act closing Robinson pond in the town of Hudson to all fishing.

### **Read and Referred**

The following entitled bill and joint resolution sent up from the House of Representatives were read a first and second time, and referred,

To the Committee on Fisheries and Game,

House Bill No. 16, An act closing Robinson pond in the town of Hudson to all fishing.

To the Committee on Finance,

Joint Resolution No. 4, Joint resolution in favor of Guy S. Neal and others.

### **Introduction of Bills**

Senator Smart introduced the following entitled bill, which was read a first and second time, laid upon the table to be printed and referred to the Committee on Judiciary.

Senate Bill No. 6, An act regulating motor vehicle junk yards.

Senator Fairbanks introduced the following entitled bill, which was read a first and second time, laid upon the table to be printed and referred to the Committee on Judiciary.

Senate Bill No. 7, An act relating to the registration of motor vehicles.

Senator Noel introduced the following entitled bill, which was read a first and second time, laid upon the table to be printed and referred to the Committee on Liquor Laws.



Senate Bill No. 8, An act providing for the payment by wholesale permittees of certain fees for the sale of certain alcoholic beverages.

### Concurrent Resolution

Senator James introduced the following concurrent resolution, which was read a first and second time, laid upon the table to be printed and referred to the Committee on Judiciary.

Concurrent resolution memorializing the Congress of the United States to Enact into Law the "General Welfare Act of 1939."

Senator Lazure introduced the following concurrent resolution, which was read a first and second time, laid upon the table to be printed and referred to the Committee on Judiciary.

*Resolved*, That the Senate, the House of Representatives concurring, request their representatives in the Congress of the United States to vote against any cut in the proposed W. P. A. appropriation of \$875,000,000 as asked for by the W. P. A. to maintain its program to the end of the fiscal year.

### Recess

Senate re-assembled.

### Committee Report

Senator Munroe for the Committee on Engrossed Bills to whom was referred House Bill No. 55, An act validating certain proceedings of the town school district of Conway, having considered the same, reported the same under Joint Rule No. 6 with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend said bill by striking out section 1 thereof and inserting in place thereof the following:

1. *Proceedings Validated.* The proceedings of the town school district of Conway, taken at the special meeting held September 30, 1938 and the appropriation of eighty-five thousand five hundred and forty-three dollars and the issuance of notes and bonds in that amount pursuant to said proceedings, are hereby legalized, ratified and confirmed.

The report was accepted, amendment adopted and the bill sent to the House of Representatives for concurrence in the Senate admendment.

On motion of Senator Munroe, the rules were suspended and all business in order for this afternoon at two o'clock was made in order at the present time.

On motion of Senator Avery, the Senate adjourned.

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WEDNESDAY, JANUARY 25, 1939.

The Senate met according to adjournment.

### **Leave of Absence**

Senator Dale was granted leave of absence on account of important business.

### **House Message**

The following message was received from the House of Representatives by its Clerk:

*Mr. President:*

The House of Representatives has voted to concur with the Honorable Senate in its adoption of the amendments offered by the Committee on Engrossed Bills to the following entitled bill:

House Bill No. 55, An act validating certain proceedings of the town school district of Conway.

The message further stated that the House of Representatives has passed a bill with the following title, in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 35, An act relating to the charter of the city of Somersworth.

### **Read and Referred**

The following entitled bill sent up from the House of Representatives was read a first and second time, laid upon the table to be printed and referred to the Committee on Revision of Laws.

House Bill No. 35, An act relating to the charter of the city of Somersworth.

### **Committee Report**

Senator Avery for the Committee on Revision of Laws, to whom was referred Senate Bill No. 4, An act to increase the salary of the county treasurer of Sullivan county, having considered the same, reported the same without amendment and recommended its passage.

### **Introduction of Guests**

On motion of Senator Munroe, the rules were suspended and all business in order for two o'clock this afternoon was made in order at the present time.

### **Third Reading**

The following entitled bill was read a third time and passed.

Senate Bill No. 4, An act to increase the salary of the county treasurer of Sullivan county.

On motion of Senator Mahoney, the Senate adjourned.

## THURSDAY, JANUARY 26, 1939.

The Senate met according to adjournment.

**Leave of Absence**

Senator Cole was granted leave of absence on account of important business.

**Introduction of Bills**

Senator James, under a suspension of the rules, sixteen Senators having actually voted in favor thereof, introduced the following entitled bill which was read a first and second time, laid upon the table to be printed and referred to the Committee on Liquor Laws.

Senate Bill No. 9, An act relating to the state liquor commission.

Senator Fairbanks, under a suspension of the rules, sixteen Senators having actually voted in favor thereof, introduced the following entitled bill, which was read a first and second time, laid upon the table to be printed and referred to the Committee on Judiciary.

Senate Bill No. 10, An act changing the name of Long Pond to Lake Winnetaucook in the town of Croydon.

**Committee Reports**

Senator Avery for the Committee on Revision of Laws, to whom was referred Senate Bill No. 2, An act providing for emergency use of motor vehicle trucks for timber salvaging, having considered the same, reported the same with the following amendment and recommended that the bill as amended ought to pass.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *Non-Resident Motor Trucks; Special Registration.* Any motor vehicle truck owned by a non-resi-

dent who has complied with the laws of his state, district or country relating to regulation and licensing of motor vehicles, engaged within this state in hauling logs or logging equipment, if the owner thereof has secured from the motor vehicle commissioner a special certificate of registration, may be operated upon the ways of this state for said purposes for a period from the date of the issue of said certificate until July 1, 1939, upon the payment of the required fee as herein provided. The amount of the fee for such certificate shall be one-third of the amount which would otherwise be required for one year's registration for such motor truck under the provisions of sections 21-a, 21-c, 22 or 29-a of chapter 100 of the Public Laws, as amended, or under section 1 of chapter 102 of the Public Laws, as amended.

2. *Resident Motor Trucks; Special Registration.* Any motor truck, which has not been registered for the fiscal year 1938-1939, owned by a resident, which is to be operated in hauling logs or logging equipment, upon the payment of the required fee as herein provided, may, if the owner thereof has secured from the motor vehicle commissioner a special certificate of registration, be operated upon the ways of this state for the period from the date of issue of said certificate until July 1, 1939. The amount of the fee for such certificate shall be one-third of the amount which would otherwise be required for one year's registration for said motor truck under the provisions of section 1 of chapter 102 of the Public Laws, as amended. Provided that for such special registration the owner shall not be required to obtain a permit for registration from the city or town wherein he resides and shall not be required to pay the fee for such municipal permit.

3. *Motor Vehicle Commissioner.* The motor vehicle commissioner is hereby authorized to issue the special certificates of registration herein provided in such form as he may determine. Motor trucks registered under the provisions of sections 1 and 2 hereof may be operated for the purposes therein specified and for no other purposes. All fees received by the motor vehicle commissioner for such special certificates shall be credited to the highway department for the maintenance of highways.

4. *Agricultural Trucks.* Any motor truck properly registered heretofore or to be registered to be used for agricultural purposes only and used on the public highway only between portions of the farm upon which such truck is operated that are not more than two miles apart by the highway at the points of entering upon or leaving, may, while engaged in hauling logs or logging equipment, be used on the public highways between portions of said farm that are not more than ten miles apart by the highway, during the period from the date of the passage of this act and July 1, 1939.

5. *Laws Suspended.* The provisions of chapters 100 and 102 of the Public Laws relative to the registration of trucks by residents and non-residents inconsistent with the provisions hereof are hereby suspended in so far as they affect the registration of motor trucks engaged in hauling logs or logging equipment. This suspension shall be in effect until July 1, 1939, and during the time of such suspension the provisions hereby suspended shall be inoperative and of no effect in so far as they affect such motor trucks.

6. *Takes Effect.* This act shall take effect upon its passage.



The report was accepted, amendment adopted and the bill as amended ordered to a third reading this afternoon at two o'clock.

\* Senator O'Malley, for the Committee on Finance, to whom was referred House Joint Resolution No. 4, Joint resolution in favor of Guy S. Neal and others, having considered the same, reported the same without amendment and recommended its passage.

The report was accepted, the recommendation of the committee adopted, and the joint resolution ordered to a third reading this afternoon at two o'clock.

### Bill Engrossed

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled bill:

House Bill No. 55, An act validating certain proceedings of the town school district of Conway.

OLIVER H. MUNROE,  
*For the Committee.*

### Resolutions

On motion of Senator Butler the following resolution was adopted:

*Resolved*, That the salary of the members of the Honorable Senate be so divided that any member may receive one-quarter ( $\frac{1}{4}$ ) of his salary monthly, for the first three months, the balance to be paid at the adjournment of the session;

*And Be It Further Resolved*, That the mileage of the members be paid every four weeks during the session.

On motion of Senator Munroe, the rules were suspended and all business in order for this afternoon at two o'clock was made in order at the present time.

### Third Readings

The following entitled bill and joint resolution were read a third time and passed:

Senate Bill No. 2, An act providing for emergency use of motor vehicle trucks for timber salvaging.

House Joint Resolution No. 4, Joint resolution in favor of Guy S. Neal and others.

On motion of Senator Mahoney, the following resolution was adopted:

*Resolved*, That when the Senate adjourns this morning, it adjourn to meet tomorrow morning at 9:00 o'clock, and when it adjourns Friday morning, it be to meet Monday evening at 7:00 o'clock.

On motion of Senator Noel the Senate adjourned.

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### FRIDAY, JANUARY 27, 1939.

The Senate met according to adjournment.

The President presiding.

There being manifestly no quorum present, the President declared the Senate adjourned.

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### MONDAY, JANUARY 30, 1939.

The Senate met according to adjournment.

The President presiding.

There being manifestly no quorum present, the President declared the Senate adjourned.

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### TUESDAY, JANUARY 31, 1939.

The Senate met according to adjournment.

### Leaves of Absence

Senators Munroe and Page were granted leaves of absence on account of weather conditions.

### House Message

The following message was received from the House of Representatives by its Clerk:

*Mr. President:*

The House of Representatives has passed a bill with the following title in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 90, An act amending the charter of the New Hampshire Congregational Christian Conference.

### Read and Referred

The following entitled bill sent up from the House of Representatives was read a first and second time, laid upon the table to be printed and referred to the Committee on Judiciary.

House Bill No. 90, An act amending the charter of the New Hampshire Congregational Christian Conference.

### Committee Reports

Senator Cole for the Committee on Insurance to whom was referred Senate Bill No. 1, An act authorizing joint control of sureties, having considered the same, reported the same without amendment and recommended its passage.

The report was accepted, recommendation of the committee adopted, and the bill ordered to a third reading this afternoon at two o'clock.

### Order Vacated

On motion of Senator James the order whereby Senate Bill No. 9, An act relating to the State Liquor

Commission, was referred to the Committee on Liquor Laws, was vacated and the bill referred to the Committee on Finance.

### Introduction of Bills

Senator Mahoney under a suspension of the rules, sixteen Senators having actually voted in favor thereof, introduced the following entitled bill, which was read a first and second time, laid upon the table to be printed and referred to the Committee on Judiciary.

Senate Bill No. 11, An act relative to the celebration of Fast Day.

Senator Noel under a suspension of the rules, sixteen Senators having actually voted in favor thereof, introduced the following entitled bill, which was read a first and second time, laid upon the table to be printed and referred to the Committee on Judiciary.

Senate Bill No. 12, An act providing for a second assistant attorney-general.

### Communications

On motion of Senator Fairbanks, the rules were suspended and all business in order for this afternoon at two o'clock was made in order at the present time.

### Third Readings

The following entitled bill was read a third time and passed.

Senate Bill No. 1, An act authorizing joint control by sureties.

On motion of Senator Mahoney, the Senate adjourned.

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WEDNESDAY, FEBRUARY 1, 1939.

The Senate met according to adjournment.

### Leave of Absence

Senator Fairbanks was granted leave of absence for the day on account of important business.

### House Message

The following message was received from the House of Representatives by its Clerk:

*Mr. President:*

The House of Representatives has passed the following entitled bills and joint resolution in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 61, An act relating to emergency public works.

House Bill No. 65, An act legalizing the November 1938 election in the town of Barnstead.

House Bill No. 110, An act relating to Lake Wentworth in Wolfeboro.

House Bill No. 111, An act relating to pickerel fishing in Rust Pond in Wolfeboro.

House Joint Resolution No. 15, Joint resolution memorializing the Federal Hospitalization Board of the United States Veterans Administration.

### Read and Referred

The following entitled bills and joint resolution sent up from the House of Representatives were read a first and second time and referred,

To the Committee on Judiciary,

House Bill No. 61, An act relating to emergency public works.

House Bill No. 65, An act legalizing the November 1938 election in the town of Barnstead.

To the Committee on Fisheries and Game,

House Bill No. 110, An act relating to Lake Wentworth in Wolfeboro.

House Bill No. 111, An act relating to pickerel fishing in Rust Pond in Wolfeboro.

To the Committee on Military Affairs,

House Joint Resolution No. 15, Joint resolution memorializing the Federal Hospitalization Board of the United States Veterans Administration.

### Bills Engrossed

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled joint resolution:

House Joint Resolution No. 4, Joint resolution in favor of Guy S. Neal and others.

ALBERT C. LAZURE,  
*For the Committee.*

On motion of Senator Munroe, the rules were suspended and all business in order for this afternoon at two o'clock was made in order at the present time.

On motion of Senator Mahoney, the Senate adjourned.

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THURSDAY, FEBRUARY 2, 1939.

The Senate met according to adjournment.

### Leaves of Absence

Senators Bryant and Cole were granted leaves of absence for the day on account of important business.

### House Message

The following message was received from the House of Representatives by its Clerk:

*Mr. President:*

The House of Representatives has passed the fol-



lowing entitled bills in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 114, An act relating to non-resident fur dealers.

House Bill No. 203, An act relating to the taking of raccoon.

The message further stated that the House of Representatives concurs with the Honorable Senate in the passage of the following entitled bill, with amendments, in the passage of which amendments the House of Representatives asks the concurrence of the Honorable Senate:

Senate Bill No. 2, An act providing for emergency use of motor vehicle trucks for timber salvaging.

Amend by striking out section 4 and inserting in place thereof the following:

4. *Agricultural Trucks.* Any motor truck properly registered or to be registered as an agricultural truck in accordance with the provisions of chapter 45, Laws of 1935, may be used for hauling the logs or logging equipment of the owner thereof on any public highway during the period from the date of the passage of this act and July 1, 1939, without the payment of any additional registration fee other than that required by said chapter 45.

Amend section 2 by adding at the end thereof the following: Any motor truck, owned by a resident, which has already been registered for the fiscal year 1938-1939 or which shall be registered for the fiscal year 1939-1940, may be registered for the period from date of application and July 1, 1939 to carry an increased gross tonnage over its declared tonnage for other uses for the sole purpose of hauling logs or logging equipment, upon the payment to the motor vehicle commissioner of a fee equal to one-third of the amount by which such fee would otherwise be in-

creased because of such increased gross tonnage, under the provisions of chapter 102 of the Public Laws, as amended, so that said section as amended shall read as follows: 2. *Resident Motor Trucks: Special Registration.* Any motor truck, which has not been registered for the fiscal year 1938-1939, owned by a resident, which is to be operated in hauling logs or logging equipment, upon the payment of the required fee as herein provided, may, if the owner thereof has secured from the motor vehicle commissioner a special certificate of registration, be operated upon the highways of this state for the period from the date of issue of said certificate until July 1, 1939. The amount of the fee for such certificate shall be one-third of the amount which would otherwise be required for one year's registration for said motor truck under the provisions of section 1 of chapter 102 of the Public Laws, as amended. Provided that for such special registration the owner shall not be required to obtain a permit for registration from the city or town wherein he resides and shall not be required to pay the fee for such municipal permit. Any motor truck, owned by a resident, which has already been registered for the fiscal year 1938-1939, or which shall be registered for the fiscal year 1939-1940, may be registered for the period from date of application and July 1, 1939 to carry an increased gross tonnage over its declared tonnage for other uses for the sole purpose of hauling logs or logging equipment, upon the payment to the motor vehicle commissioner of a fee equal to one-third of the amount by which such fee would otherwise be increased because of such increased gross tonnage, under the provisions of chapter 102 of the Public Laws, as amended.

Amend by inserting after section 5 the following new section:

5A. *Credit on Fees Paid.* All monies paid to the motor vehicle commissioner for special registration certificates under this chapter shall be credited to the owner of any motor truck specially registered hereunder who shall thereafter desire to register such motor truck for general use in accordance with the provisions of chapter 102 of the Public Laws, as amended; and the fee payable under said Chapter 102 shall be reduced by the amount already paid for a special registration certificate under this chapter. This section shall not be construed to relieve any person from the payment of any fees required by section 2.

On motion of Senator Dale, the Senate voted to concur with the House of Representatives in the adoption of the amendments.

### Read and Referred

The following entitled bills sent up from the House of Representatives were read a first and second time and referred to the Committee on Fisheries and Game.

House Bill No. 114, An act relating to non-resident fur dealers.

House Bill No. 203, An act relating to the taking of raccoon.

### Committee Reports

Senator Lazure for the Committee on Judiciary to whom was referred Senate Bill No. 6, An act regulating motor vehicle junk yards, having considered the same, reported the same with the following amendment and recommended that the bill as amended ought to pass.

Amend section 5 of the bill by striking out the word "sixty" in the first line of said section and substituting in place thereof the word ninety; so that said section as amended will read:

5. *Takes Effect.* This act shall take effect ninety days after its passage.

The report was accepted, amendment adopted and the bill ordered to a third reading this afternoon at two o'clock.

### Introduction of Bills

Senator Dale under a suspension of the rules, sixteen Senators having actually voted in favor thereof, introduced the following entitled bill which was read a first and second time, laid upon the table to be printed and referred to the Committee on Revision of Laws.

Senate Bill No. 13, An act ratifying certain action of the Rockingham County delegation.

On motion of the same Senator, the rules were further suspended, printing and reference to committee dispensed with and the foregoing bill was read a third time and passed.

Senator Smart under a suspension of the rules, sixteen Senators having actually voted in favor thereof, introduced the following entitled bill which was read a first and second time, laid upon the table to be printed and referred to the Committee on Judiciary.

Senate Bill No. 14, An act designating the White Mountain Highway.

Senator Fairbanks, under a suspension of the rules, sixteen Senators having actually voted in favor thereof, introduced the following two entitled bills which were read a first and second time, laid upon the table to be printed and referred,

To the Committee on Liquor Laws,

Senate Bill No. 15, An act relating to solicitors' permits.

To the Committee on Military Affairs,

Senate Bill No. 16, An act relating to the establishment of memorials by towns and cities.

Senator Mahoney, under a suspension of the rules, sixteen Senators having actually voted in favor thereof, introduced the following entitled bill which was read a first and second time, laid upon the table to be printed and referred,

To the Committee on Revision of Laws,

Senate Bill No. 17, An act relating to financial responsibility by owners and operators of motor vehicles.

### Reports

Senator Fairbanks, as a member of the Committee on the part of the Senate of the New Hampshire Commission on Interstate Co-operation, made the following report:

#### **Report on the 4th General Assembly of the Council of State Governments. Commission of Interstate Co-operation. Washington, D. C.**

The Council of State Governments is a joint governmental agency serving the several states, and acts as a clearing house and research center for legislators. The Council is the medium through which many Federal, State and Interstate problems have been resolved, and a forum for the consideration of the increasing number of governmental questions which overlap state boundaries, questions of flood control, pollution, highway safety, interstate truck regulations, conflicting taxation, interstate trade barriers, liquor control, relief, Social Security, education, insurance laws and many other problems.

The conference opened at 10 A. M., Wednesday, January 18th, in the ballroom at the Mayflower Hotel. Called to order by the Hon. Robert L. Cochran, Governor of Nebraska, President of the Council of State Governments. His remarks were on a programme for the future. "A few Highlights." "Quote." Two

years ago only 17 Commissions of Interstate Co-operation existed. Today there there are 37 Commissions." We hope by the next two years all states will be represented. "There is a job to be done to reduce trade barriers." There are still many points of friction, trade walls and conflicts among states. These all have their effects on Interstate Commerce. If reciprocal trade and tax agreements are needed to foster our international economy, surely interstate compacts and reciprocal agreements among states are as necessary to further our National economy. It is apparent that by their very nature our Co-operation Commissions are the proper agencies to act as agencies to carry out this work. Our states are very much concerned over water resources, especially in the West, and their existence depends on what neighboring states do in this regard. We are also concerned relative to water for irrigation. I hope in the near future that legal battles revolving around our water problems can be eliminated and the movements of co-operation between states can attain this object. The Council of State Governments should encourage and aid commissions in establishing regional agencies with respect to the development of the Red River Basin, Delaware River Basin, Fish and Game Conservation, Fishery Conservation of the Atlantic Coast, Great Lake Fisheries more uniform banking and insurance laws, highway safety, liquor control, etc. We urge that State Dept., Federal agencies and public officials should keep our legislators better informed through regional conferences on these various subjects. We urge members of our Legislature, who are on the Interstate Co-operation Commission to take advantage of our regional meetings. Our Association is non-political, and is set up for the benefit of good government. We urge all to have an open mind and to be at all times willing to



compromise on controversial questions. Our clearing house in Chicago is used wholly for information to state and government officials. The value of the Councils publications, including State Governments and the book of states, are a valuable contribution to our inventory.

Public officials, legislators and citizens have a great responsibility, and that is, to make our democracy work.

Highlights of Speech of Frank Bane, Executive Director.

"We are off on a race to make Democracy work, our energies as a whole are directed to the strengthening of the Bond of Good Will and the lines of communication among our units of government and among public officials. Through established agencies of co-operation, uniform and reciprocal laws, regulated compacts and all other means possible, the Council of State Governments and several commissions are daily contributing to uniformity and harmony among states.

"One of our early accomplishments in the realm of co-operation between the states was brought about through the activities of the Interstate Commission on Crime. Twenty-six states have enacted uniform laws which have already resulted in more effective work in this field. These compacts have eliminated much so called 'Red Tape' in the field of crime.

"The Commission on the Delaware River Basin have brought about better purity standards, conservation of wild life and reciprocal licenses, and the policing of these areas. Uniform and reciprocal statutes of this kind are found in the field of highway safety, better enforcing of motor vehicle laws and compulsory inspection of motor vehicles and adoption of model house trailer regulations.

Since the repeal of the 18th Amendment the regulation, sale and importation of alcoholic beverages has been thrown back on the states with the result that we have nearly as many systems of liquor control as we have states. This has meant price wars between states, boundary battles over importation limits, as well as levying of discriminatory taxes on liquor and alcoholic beverages between states. These conditions have been recently overcome to a great extent through the effort of the Commission on Liquor Control.

Other problems with respect to which progress is being made includes banking, insurance, domestic relations, marriage licenses, etc. It is our aim and ambition to handle many more important Interstate problems and seek for increased interest in this work.

We had a very fine address by the Hon. Henry A. Wallace, Secretary of Agriculture, in which he stressed better co-operation between Government and State in the 1939 Farm Program.

Open discussion by State Legislators and public officials followed Mr. Wallace.

Evening, informal dinner. Toastmaster, Honorable Carl E. Bailey, Gov. of Arkansas, who introduced the Hon. Frederick A. Delano.

Address by Hon. Frederic A. Delano, Chairman National Resources Committee. In his remarks he said, "If planning can bring about a more economical utilization and conserving of our resources, then it will contribute much toward maintaining the foundations of representative government.

Address—Hon. James H. Price, Gov. of Virginia. Subject: "The States and the National Resources Committee." "The resources of this country were tremendous. They made the U. S. the 'promised land' for the rest of the world. The eager rush in the nineteenth century to reap the rewards of a nation so

richly endowed left a tragedy of waste and depletion in its walks. Even today however, the wasteful, planless use of our still great resources continues virtually unchecked in many fields."

Thursday afternoon.

Address—Dr. Luther Gulick, Director of the Institute of Public Administration. Subject: "The Organization and Administration of State Government."

The Hon. T. V. Smith, former chairman of the Board of Managers of the Council of State Governments, presided. He gave a very flowery introduction when he introduced Mr. Gulick. Mr. Gulick in accepting the remarks told the following story: He said, "It reminded him of a friend who was driving a calf over a narrow bridge to market. If you have ever met a calf or a cow on the road you know how difficult it is to explain to it what a motor car is and what the rules of the road may be. It proved impossible to convince the calf that it should turn to the right and let the auto pass. The calf was on an old wooden bridge and it was impossible for the auto to back out so finally the farmer said, 'Well, why don't you blow your horn?' My friend replied, 'Well, that's a darn good idea,' so he got back in his car and pushed the button, with the tremendous sound of the present day horn, the poor little calf bounced and landed in the river and was drowned."

The colored farmer turned and said, "Now, see what you have done to my calf." My friend said, "I am very sorry, I will pay for the calf." The farmer said, "That don't do no good. That's my calf." My friend replied, "Well, you told me to blow the horn." The farmer said, "Yes, but why such a big toot for such a little calf."

In Mr. Gulick's remarks, which were of a very constructive nature he pointed out. "We, in America are above all people in the world, gifted with vision and dreams. There are no people on the face of the globe to whom you can go to find such an extent of belief in ideals, belief in long range objectives as you find right here in America. We dream great dreams, but when it comes to carrying these dreams into operation there are others on the face of this globe who do a better job than we do. We dream about making people free, our machinery breaks down. We dream about giving them work, our machinery does not achieve that objective. We dream about giving security to all, removing their fears and worries, but when it comes to setting up the machinery, it leaves something to be desired.

"Therefore, there is this problem of organization and administration in Government of actually building the machinery for carry out our dreams and our ideals. The functions of the state to develop controls and protections is through research. It is through this medium that we derive good organization and good administration." He further remarked, "In order to avoid deposit of the full powers over individuals in any one individual, we have devised a plan of the separation of the powers in the the well-known categories, namely, executive, legislative, and judicial power. It is through these fields of executive, legislative, and judicial that there are certain arrangements which serve to make the mechanism of the state operate more smoothly."

Thursday P. M. Noon lunch at Senate Building. Attended Senate in session. Listened to Senator Holt of W. Virginia attack the confirmation of Harry Hopkins as a cabinet officer. States' dinner in evening

with addresses. Subject: This Business of Governor Today.

Honorable Elbert D. Thomas, U. S. Senator from Utah, Honorable E. D. Rivers, Governor of Georgia, Honorable Daniel W. Hoan, mayor of the city of Milwaukee.

Time does not permit me to impart their addresses only to say they were very inspiring.

Friday A. M. Presiding, Honorable Ellwood J. Turner, Speaker of the Pennsylvania House of Representatives. Address by the Honorable Elmer F. Andrews, Administrator of Wages and Hours Division, United States Department of Labor. Subject: The Administration of Wages and Hours. Its effects in the States. Apparently according to his remarks it will not be necessary to have so many various labor laws in the several states. He remarked that in a recent tour he was very happy to find such splendid cooperation from business men, especially manufacturers. He hopes in the near future to have many problems straightened out relative to who is supposed to come under this act.

The open discussions were very interesting after the address and many questions were asked Mr. Andrews.

P. M. Honorable Harold C. Ostertag, Chairman of the Board of Managers. The Council of State Governments introduced the Honorable Oswald D. Heck, Speaker of the New York assembly, who gave an address on the Problem of Interstate Cooperation and he gave many interesting highlights on Legislation in New York State as well as how New York was cooperating with her neighboring states. He talked at length on States that levied a tax on articles brought into their respective states, Ports of Entry, Custom Houses and Frontiers on States boundaries. He feels that the Council of State Governments is doing a great deal in elimi-

nating some of these objections and that we are getting real action. Following Mr. Heck's address we listened to a report of the General Assembly Committees and each state chairman gave a brief report relative to the progress that their state commission was accomplishing. The general keynote of the various states seemed to agree that uniform legislation in so far as possible would eliminate in many ways our differences of opinions between states.

**The Resolutions Adopted By The Fourth General  
Assembly Of The Council Of State  
Governments**

I.

*Resolved*, That the Fourth General Assembly of the Council of State Governments strongly urge the continued financial support of the Council of State Governments by state legislatures and Commissions on Interstate Cooperation to the end that the services which the Council of State Governments renders to the Commissions on Interstate Cooperation, the Governors' Conference, the National Association of Attorney Generals, the National Association of Secretaries of State, the American Legislators' Association, and all public officers, may be better maintained.

II.

*Whereas*, during the past biennium numerous legislative hearings, regional conferences, and Commission meetings have been held to consider recommendations for the purpose of reducing the confusion and conflict in the laws and administrative practices among the states and between the states and the federal government;



*And Whereas*, definite recommendations have grown out of these hearings and conferences in the form of legislation and interstate compacts;

*And Whereas*, these legislative proposals have been enacted by the legislatures of a number of states as a part of the legislative program of their Commissions on Interstate Cooperation,

*Now Therefore Be It Resolved*, by the Fourth General Assembly of the Council of State Governments that these recommendations and legislative proposals as set forth in the publication entitled "Legislative Proposals of the Commissions on Interstate Cooperation" be included in the formal reports of the various Cooperation Commissions to their legislatures and officially considered item by item by the Commissions on Interstate Cooperation, and where approved, introduced in the legislatures as a part of their program.

### III.

*Whereas*, the conservation of our natural resources is one of the most important problems of the present time and whereas the imminent depletion of our fisheries is of concern to all of the states,

*Now Therefore Be It Resolved*, That the Fourth General Assembly of the Council of State Governments endorse the work of the Great Lakes Fisheries Conference and the Eastern States Conservation Conference in seeking the conservation of these valuable fisheries and that it recommends to other states the adoption of similar cooperative efforts for the conservation of their natural resources.

*Be It Further Resolved*, That the Assembly respectfully directs the attention of the Commissions on Interstate Cooperation of the Pacific Coast states and of the Gulf States to the compact method as a means of solving their fisheries problems.

### Reciprocal Enforcement

*Whereas*, the proper administration of the fisheries laws of states riparian on common waters necessitates further coordination of the enforcement activities of those states,

*Therefore Be It Resolved*, That the Fourth General Assembly of the Council of State Governments urge each state riparian on waters in common with other states to enact legislation giving to the officials of the riparian states power to enforce fisheries laws against its citizens in the territorial waters of that state when the other states shall reciprocally grant like powers to the enforcement officers of that state, and

### Congressional Consent

*Resolved*, That the Fourth General Assembly of the Council of State Governments memorialize Congress to pass legislation giving consent in advance to compacts between the states for the conservation of fisheries and wild life resources, and

*Be It Further Resolved*, That Congress, in order to further the conservation policies of the states, be urged to pass legislation prohibiting the shipment in interstate commerce from any state of fish caught in violation of the laws thereof and prohibiting the shipment into any state of fish in violation of the conservation laws thereof.

### IV.

*Resolved*, That in accordance with the recommendation of the Midwest Regional Assembly of the Council of State Governments, this Fourth General Assembly of the Council recognizes that trade barriers, under any guise, are detrimental to the economic welfare of the country;

That this Assembly recommends complete adherence to the traditional American policy of free trade between the forty-eight states;

That this Assembly requests the secretariat of the Council of State Governments to study legislation and policies which tend to create such barriers and to restrict the free flow of commerce; and

That this Assembly call an interstate conference on this subject, to be attended by legislative and administrative delegates designated by the Cooperation Commissions of the various states.

*And Be It Further Resolved*, That the Council of State Governments requests the Congress of the United States to conduct a general investigation of all freight rates and to recommend an equitable freight rate for the entire United States.

#### V.

*Whereas*, the critical conditions of the past decade have accentuated many of the social and economic problems of the United States, and

*Whereas*, the federal government and the state governments have endeavored, through emergency legislation and policies, to solve these problems, and

*Whereas*, in turn many of these acts have created new problems involving powers of the states,

*Therefore Be It Resolved*, by the Fourth General Assembly of the Council of State Governments that we do hereby memorialize the federal government and its various agencies to join with the Council of State Governments in its work of cooperation, in order to solve these problems and to accomplish the desired objectives, and to maintain the clear-cut division between the sovereign powers of states and the delegated powers of the federal government, and to avoid any policies, except by constitutional amendment, which

tend to result in the basic alteration of the American system of government.

## VI.

*Resolved*, That the Fourth General Assembly of the Council of the State Governments go on record as offering a vote of sincerest thanks to the retiring Director of the American Legislators' Association and the Council of State Governments for his years of faithful, generous and almost unbelievably efficient service in building this body from a dream to an accomplished reality. Well and faithfully as others may and will serve it, this body will throughout its existence be a monument to the unfailing service and magnificent ability of Senator Henry W. Toll of Colorado. More words could be used but they would convey no deeper feeling.

## VII.

*Resolved*, That the Fourth General Assembly of the Council of State Governments express its appreciation to the National Resources Committee, the United States Department of Agriculture, the Wage and Hour Division of the Department of Labor, the United States Bureau of Fisheries, the Governors' Conference, the American Legislators' Association, the Conference of Governors' Secretaries, the National Association of Attorney Generals, and the National Association of Secretaries of State, for their wholehearted and sincere cooperation in making the Fourth General Assembly a meeting of inspiration and practical usefulness to each of the State Governors of the United States.

On motion of Senator Munroe, the rules were suspended and all business in order for this afternoon at two o'clock was made in order at the present time.

### Third Readings

The following entitled bill was read a third time and passed.

Senate Bill No. 6, an act regulating motor vehicle junk yards.

On motion of Senator O'Malley, the following resolution was adopted;

*Resolved*, That when the Senate adjourns this morning, it adjourn to meet tomorrow morning at 9:00 o'clock, and when it adjourns Friday morning it be to meet Monday evening at 6:00 o'clock.

On motion of Senator Mahoney, the Senate adjourned.

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FRIDAY, FEBRUARY 3, 1939.

The Senate met according to adjournment.

The President presiding.

There being manifestly no quorum present, the President declared the Senate adjourned.

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MONDAY, FEBRUARY 6, 1939.

The Senate met according to adjournment.

The President presiding.

There being manifestly no quorum present, the President declared the Senate adjourned.

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TUESDAY, FEBRUARY 7, 1939.

The Senate met according to adjournment.

### Leaves of Absence

Senator Butler was granted leave of absence for the day on account of illness.

Senator Munroe was granted leave of absence for the day on account of important business.

### House Message

The following message was received from the House of Representatives by its Clerk:

*Mr. President:*

The House of Representatives has passed the following entitled bills, in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 40, An act prohibiting the publication by county officials of names of persons receiving soldiers' aid.

House Bill No. 49, An act relating to city and town tax collectors' association.

House Bill No. 116, An act relating to the practice of veterinary medicine.

House Bill No. 130, An act authorizing the town of Newmarket to issue refunding notes or bonds.

### Read and Referred

The following entitled bills sent up from the House of Representatives were read a first and second time and referred,

To the Committee on Revision of Laws,

House Bill No. 40, An act prohibiting the publication by county officials of names of persons receiving soldiers' aid.

House Bill No. 49, An act relating to city and town tax collectors' association.

To the Committee on Agriculture,

House Bill No. 116, An act relating to the practice of veterinary medicine.



To the Committee on Judiciary,  
House Bill No. 130, An act authorizing the town of  
Newmarket to issue refunding notes or bonds.

### Introduction of Bill

Senator Bond under a suspension of the rules, sixteen Senators having actually voted in favor thereof, introduced the following entitled bill which was read a first and second time, laid upon the table to be printed and referred to the Committee on Revision of Laws.

Senate Bill No. 18, An act relating to the rights of married women.

### Report

New Hampshire

### STATE PLANNING AND DEVELOPMENT COMMISSION

Concord

Frederick P. Clark, Planning Director

Donald D. Tuttle, Publicity Director

December 30, 1938.

*To the Honorable Senate and House of Representatives:*

In accordance with a joint resolution of the 1937 Legislature directing this Commission to make a study of building requirements at the State Hospital and to make recommendations to the 1939 Legislature, we respectfully submit the following report.

Based upon a year of study, the report presents the broad aspects of the State Hospital's present and anticipated building needs. Staff and funds have not been available to make a detailed analysis of each existing building, but a sufficient number of the older structures have been so analyzed, and all the others

have been adequately surveyed, to permit the preparation of a statement of needs which this Commission believes to constitute a sound basis for Legislative action.

The plan of development outlined in the report schedules the construction of the various buildings as they are or will be actually required by the increasing Hospital population. The determination of the speed at which the program can be carried out, however, will depend largely upon the state's ability to finance the necessary buildings and can, therefore, be decided only by the Legislature.

It should be kept in mind, however, that a decision to postpone appropriations for construction would not defer the actual need for the construction. For that reason, this Commission recommends that the long-term plan outlined on pages 18 to 21 of the report be adopted in principle by the Legislature and that appropriations be made to permit carrying out the plan as nearly as possible according to the schedule.

Respectfully submitted,

STATE PLANNING AND  
DEVELOPMENT COMMISSION  
JAMES M. LANGLEY,  
*Chairman.*

ALLEN HOLLIS,  
EDMUND F. JEWELL,  
GUY L. SHOREY.

**Recess**

The Senate re-assembled.

### **Committee Report**

Senator Lazure for the Committee on Engrossed Bills to whom was referred Senate Bill No. 2, An act providing for emergency use of motor vehicle trucks

for timber salvaging, having considered the same, reported the same under Joint Rule No. 6 with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 4 of said bill by striking out the same and inserting in place thereof the following:

4. *Agricultural Trucks.* Any motor truck properly registered or to be registered to be used for agricultural purposes only, in accordance with the provisions of paragraph III of section 1 of chapter 102 of the Public Laws, as amended by chapter 45 of the Laws of 1935, may be used for hauling logs or logging equipment of the owner thereof on any public highway during the period from the date of the passage of this act and July 1, 1939, without the payment of any additional registration fee other than that required by said paragraph III as amended by said chapter 45.

Amend section 5 of said bill by striking out the same and inserting in place thereof the following:

5. *Laws Suspended.* Until July 1, 1939, the provisions of chapters 100 and 102 of the Public Laws relative to the registration of trucks by residents and non-residents inconsistent with the provisions hereof are hereby suspended and made inoperative in so far as they relate to the registration of motor trucks engaged in hauling logs or logging equipment.

Amend section 5-a of said bill by striking out said section, renumbering and inserting in place thereof the following:

6. *Credit on Fees Paid.* All moneys paid to the motor vehicle commissioner for special registration certificates under the provisions hereof shall be credited to the owner of any motor truck specially registered hereunder who shall, during the fiscal year 1939-1940, desire to register such motor truck for general use in

accordance with the provisions of chapter 102 of the Public Laws, as amended; and the fee payable in such case under said chapter 102 shall be reduced by the amount already paid for a special registration certificate under this act. This section shall not be construed to relieve any person from the payment of any fees otherwise required.

Further amend said bill by renumbering section 6 to read section 7.

The report was accepted, amendment adopted and the bill sent to the House of Representatives for concurrence in the Senate amendment.

### **Introduction of Guest**

President Blood introduced former Senator Allen M. Wilson, of Manchester, who addressed the Senate.

On motion of Senator Fairbanks, the rules were suspended and all business in order for this afternoon at two o'clock was made in order at the present time.

On motion of Senator Noel, the Senate adjourned.

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WEDNESDAY, FEBRUARY 8, 1939.

The Senate met according to adjournment.

### **Leaves of Absence**

. Senators Avery, Fairbanks, Mitchell, Munroe, Marcoux and Smart were granted leave of absence for the day on account of important business.

### **House Message**

The following message was received from the House of Representatives by its Clerk:

*Mr. President:*

The House of Representatives has passed the follow-

ing entitled bills, in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 47, An act relating to smelt fishing.

House Bill No. 91, An act closing Wash pond in Hampstead to ice fishing.

House Bill No. 148, An act relating to building and loan associations.

### Read and Referred

The following entitled bills sent up from the House of Representatives were read a first and second time, and referred,

To the Committee on Fisheries and Game,

House Bill No. 47, An act relating to smelt fishing.

House Bill No. 91, An act closing Wash pond in Hampstead to ice fishing.

To the Committee on Banks,

House Bill No. 148, An act relating to building and loan associations.

### Committee Reports

Senator Lazure, for the Committee on Judiciary, to whom were referred House Bill No. 90, An act amending the charter of the New Hampshire Congregational Christian Conference.

Senate Bill No. 10, An act changing the name of Long pond to Lake Winnetaucook in the town of Croydon.

House Bill No. 61, An act relating to emergency public works,

Having considered the same, reported the same without amendment and recommended their passage.

The reports of the committee were accepted and the bills ordered to a third reading this afternoon at two o'clock.

Senator Avery for the Committee on Revision of Laws, to whom was referred Senate Bill No. 17, An act relating to financial responsibility by owners and operators of motor vehicles,

Having considered the same, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and recommendation of the committee adopted.

Senator O'Malley, for the Committee on Military Affairs, to whom was referred House Joint Resolution No. 15, Joint resolution memorializing the Federal Hospitalization Board of the United States Veterans' Administration,

Having considered the same, reported the same without amendment and recommended its passage.

The report of the committee was accepted and the joint resolution ordered to a third reading this afternoon at two o'clock.

Senator Munroe, for the Committee on Fisheries and Game, to whom were referred House Bill No. 16, An act closing Robinson pond in the town of Hudson to all fishing.

House Bill No. 110, An act relating to Lake Wentworth in Wolfeboro.

House Bill No. 111, An act relating to pickerel fishing in Rust pond in Wolfeboro,

Having considered the same, reported the same without amendment and recommended their passage.

The reports of the committee were accepted, and the bills ordered to a third reading this afternoon at two o'clock.

### **Bills Engrossed**

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled bill:



Senate Bill No. 2, An act providing for emergency use of motor vehicle trucks for timber salvaging.

OLIVER H. MUNROE,  
*For the Committee.*

### Introduction of Bill

Senator Dale, under a suspension of the rules, sixteen Senators having actually voted in favor thereof, introduced the following entitled bill, which was read a first and second time, laid upon the table to be printed and referred to the Committee on Revision of Laws:

Senate Bill No. 19, An act relating to pharmacist's equipment.

On motion of Senator James, the rules were suspended, and all business in order for this afternoon at two o'clock, was made in order at the present time.

### Third Readings

The following entitled bills were read a third time and passed:

House Bill No. 90, An act amending the charter of the New Hampshire Congregational Christian Conference.

Senate Bill No. 10, An act changing the name of Long pond to Lake Winnetaucook in the town of Croydon.

House Bill No. 61, An act relating to emergency public works.

House Joint Resolution No. 15, Joint resolution memorializing the Federal Hospitalization Board of the United States Veterans' Administration.

House Bill No. 16, An act closing Robinson pond in the town of Hudson to all fishing.

House Bill No. 110, An act relating to Lake Wentworth in Wolfeboro.

House Bill No. 111, An act relating to pickerel fishing in Rust pond in Wolfeboro.

On motion of Senator Mahoney the Senate adjourned.

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THURSDAY, FEBRUARY 9, 1939.

The Senate met according to adjournment.

#### Leave of Absence

Senator Bryant was granted leave of absence for the day on account of important business.

#### House Message

The following message was received from the House of Representatives by its Clerk:

*Mr. President:*

The House of Representatives has passed the following entitled bills in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 56, An act transferring the administration of aid to the deaf from the Board of Public Welfare to the Board of Education.

House Bill No. 108, An act relative to permanent improvements and additional facilities at the tramway.

House Bill No. 160, An act to change the name of Crystal Lake to Canaan Street Lake.

The message further stated that the House of Representatives had voted to concur with the Honorable Senate in its adoption of the amendment offered by the Committee on Engrossed Bills to the following entitled bill:

Senate Bill No. 2, An act providing for emergency use of motor vehicle trucks for timber salvaging.

The message further stated that the House of Representatives had voted to concur with the Honorable Senate in the passage of the following entitled bill sent down from the Honorable Senate:

Senate Bill No. 13, An act ratifying certain action of the Rockingham County Delegation.

### Read and Referred

The following entitled bills sent up from the House of Representatives were read a first and second time and referred.

To the Committee on Education,

House Bill No. 56, An act transferring the administration of aid to the deaf from the Board of Public Welfare to the Board of Education.

To the Committee on Finance,

House Bill No. 108, An act relative to permanent improvements and additional facilities at the tramway.

To the Committee on Judiciary,

House Bill No. 160, An act to change the name of Crystal Lake to Canaan Street Lake.

### Committee Reports

Senator Lazure for the Committee on Judiciary to whom was referred House Bill No. 65 An act legalizing the November 1938 election in the town of Barnstead.

House Bill No. 130, An act authorizing the town of Newmarket to issue refunding notes or bonds.

Having considered the same, reported the same without amendment and recommended their passage.

The reports were accepted and the bills ordered to a third reading this afternoon at two o'clock.

Senator Lazure for the Committee on Judiciary, to whom was referred Senate Bill No. 7, An act relating to the registration of motor vehicles, having considered the same, reported the same with the following

amendment and recommended that the bill as amended ought to pass.

Amend section 1 of the bill by striking out said section and inserting in place thereof the following:

1. *Motor Vehicle Licenses and Registration Certificates.* Amend section 10 of chapter 161 of the Laws of 1937 by striking out said section and inserting in place thereof the following: 10. *Suspension, Duration.* The suspension required in section 6 shall remain in effect, the motor vehicle, trailer or semi-trailer in any manner involved in such accident shall not be registered in the name of the person whose license or registration was so suspended, and no other motor vehicle, trailer or semi-trailer shall be registered in the name of such person nor any new licenses issued to such person unless and until he has obtained a release or a judgment in his favor in an action at law to recover damages for damage to property or the death of or bodily injury to any person resulting from such accident or unless he shall have satisfied in the manner hereinafter provided any judgment rendered against him in such an action, and at all events gives and thereafter maintains proof of his financial responsibility. If the aggrieved or injured person or his legal representative shall not have brought suit within one year from the date of the accident then the commissioner, upon receiving reasonable evidence of the fact, may, subject to the other requirements of the law, issue to such person a new license to operate and new registration certificates and registration plates provided he shall give and thereafter maintain proof of financial responsibility. A discharge in bankruptcy shall not relieve the judgment debtor from any of the requirements of this act.

The report was accepted, amendment adopted and

the bill as amended ordered to a third reading this afternoon at two o'clock.

A majority of the Committee on Judiciary, to whom was referred Senate Bill No. 11, An act relative to the celebration of Fast Day, having considered the same, reported the same without amendment and recommended its passage.

DENIS F. MAHONEY,  
WILLIAM M. COLE,  
ALBERT C. LAZURE,  
OLIVER H. MUNROE,

*For a Majority of the Committee.*

A minority of the Committee on Judiciary, to whom was referred Senate Bill No. 11, An act relative to the celebration of Fast Day, having considered the same, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

WILLIAM WESTON,  
A. RALPH ESTABROOK,

*For a Minority of the Committee.*

The report of the majority was accepted.

Senator Weston moved that the report of the minority be substituted for that of the majority and with that motion pending it be made a special order for Tuesday, February 14, at 11:01 a. m.

Senator Avery for the Committee on Revision of Laws, to whom was referred House Bill No. 49, An act relating to city and town tax collectors' association.

Having considered the same, reported the same without amendment and recommended its passage.

The report was accepted and the bill was ordered to a third reading this afternoon at two o'clock.

Senator Avery for the Committee on Revision of Laws, to whom was referred House Bill No. 40, An act

prohibiting the publication by county officials of names of persons receiving soldiers' aid.

Having considered the same, reported the same without amendment and recommended its passage.

The report was accepted and the bill was ordered to a third reading this afternoon at two o'clock.

### **Bill Engrossed**

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled bill:

Senate Bill No. 13, An act ratifying certain action of the Rockingham County Delegation.

ALBERT C. LAZURE,  
*For the Committee.*

### **Introduction of Bill**

Senator Marcoux under a suspension of the rules, sixteen Senators having actually voted in favor thereof, introduced the following entitled bill which was read a first and second time, laid upon the table to be printed and referred to the Committee on Revision of Laws.

Senate Bill No. 20, An act relating to the payment of county taxes.

On motion of Senator Smart, the rules were suspended and all business in order for this afternoon at two o'clock was made in order at the present time.

### **Third Readings**

The following entitled bills were read a third time and passed.

Senate Bill No. 7, An act relating to the registration of motor vehicles.

House Bill No. 65, An act legalizing the November 1938 election in the town of Barnstead.



House Bill No. 130, An act authorizing the town of Newmarket to issue refunding notes or bonds.

House Bill No. 40, An act prohibiting the publication by county officials of names of persons receiving soldiers' aid.

House Bill No. 49, An act relating to city and town tax collectors' association.

On motion of Senator Mahoney, the following resolution was adopted:

*Resolved*, That when the Senate adjourns this morning, it adjourn to meet to-morrow morning at 9:00 o'clock, and when it adjourns Friday morning it be to meet Monday evening at 6:00 o'clock.

On motion of Senator Mahoney, the Senate adjourned.

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FRIDAY, FEBRUARY 10, 1939

The Senate met according to adjournment.

The President presiding.

There being manifestly no quorum present, the President declared the Senate adjourned.

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MONDAY, FEBRUARY 13, 1939

The Senate met according to adjournment.

The President presiding.

There being manifestly no quorum present, the President declared the Senate adjourned.

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TUESDAY, FEBRUARY 14, 1939.

The Senate met according to adjournment.

### House Message

The following message was received from the House of Representatives by its Clerk:

*Mr. President:*

The House of Representatives has passed the following entitled bills in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 62, An act relating to trust companies and other financial institutions.

House Bill No. 136, An act relating to report of sale.

House Bill No. 137, An act relating to bonds.

House Bill No. 146, An act relating to the registration of nurses.

House Bill No. 166, An act to authorize the town of Henniker to purchase water power property in said town.

House Bill No. 168, An act legalizing the action of the Bethlehem Village District annual meeting.

### Read and Referred

The following entitled bills sent up from the House of Representatives were read a first and second time and referred,

To the Committee on Banks,

House Bill No. 62, An act relating to trust companies and other financial institutions.

To the Committee on Judiciary,

House Bill No. 136, An act relating to report of sale.

House Bill No. 137, An act relating to bonds.

House Bill No. 166, An act to authorize the town of Henniker to purchase water power property in said town.

House Bill No. 168, An act legalizing the action of the Bethlehem Village District annual meeting.

To the Committee on Public Health,

House Bill No. 146, An act relating to the registration of nurses.

### Introduction of Bills

Senator Weston, under a suspension of the rules, sixteen Senators having actually voted in favor thereof, introduced the following entitled bill which was read a first and second time, laid upon the table to be printed and referred to the Committee on Judiciary.

Senate Bill No. 21, An act to safeguard the life and property from destruction by fire.

Senator Butler, under a suspension of the rules, sixteen Senators having actually voted in favor thereof, introduced the following entitled bill which was read a first and second time, laid upon the table to be printed and referred to the Committee on Revision of Laws.

Senate Bill No. 22, An act limiting the time within which a marriage certificate is valid.

### Committee Reports

Senator Lazure, for the Committee on Engrossed Bills, to whom was referred, House Bill No. 110, An act relating to Lake Wentworth in Wolfeboro,

Having considered the same, reported the same under Joint Rule No. 6, with the following amendment and recommended that the bill as amended ought to pass.

Amend the title of said bill by inserting before the word "Lake" the words, taking pickerel in, so that said title as amended shall read as follows:

An act relating to taking pickerel in Lake Wentworth in Wolfeboro.

Amend section 1 of said bill by striking out the first six lines thereof and inserting in place thereof the following:

1. *Lake Wentworth in Wolfeboro.* Amend section 12 of chapter 201 of the Public Laws, as inserted by

section 5, chapter 124, Laws of 1935, and as amended by chapter 2 of the Laws of 1937, by striking out the word "and" in the fourth line and by adding the word "Winnisquam" in the fourth line the words, and Lake Wentworth in Wolfeboro, so that said section as amended shall read as follows:

The report was accepted, amendment adopted and the bill sent to the House of Representatives for concurrence in the Senate amendment.

Senator Lazure, for the Committee on Engrossed Bills, to whom was referred House Bill No. 111, An act relating to pickerel fishing in Rust pond in Wolfeboro,

Having considered the same, reported the same under Joint Rule No. 6, with the following amendment and recommended that the bill as amended ought to pass.

Amend the title of said bill by adding at the end thereof the words, and Mirror lake in Tuftonboro and Wolfeboro, so that said title as amended shall read as follows:

An act relating to pickerel fishing in Rust pond in Wolfeboro and Mirror lake in Tuftonboro and Wolfeboro.

The report was accepted, amendment adopted and the bill sent to the House of Representatives for concurrence in the Senate amendment.

Senator Lazure for the Committee on Engrossed Bills, to whom was referred,

House Bill No. 90, An act amending the charter of the New Hampshire Congregational Christian conference,

Having considered the same, reported the same under Joint Rule No. 6, with the following amendment and recommended that the bill as amended ought to pass.

Amend the title of said bill by striking out the words "amending the charter of" and inserting in

place thereof the words, relating to so that said title as amended shall read as follows:

An act relating to the New Hampshire Congregational Christian conference.

Amend section 1 of said bill by striking out the words "shall read as amended" in the fourth line and inserting in place thereof the words as amended shall read as follows:

The report was accepted, amendment adopted and the bill sent to the House of Representatives for concurrence in the Senate amendment.

### Special Order

Senator Weston called for the special order,

The substitution of the minority report for that of the majority on Senate Bill No. 11, An act relative to the celebration of Fast Day.

The question being stated.

Shall the report of the minority, inexpedient to legislate, be substituted for that of the majority, ought to pass?

(Discussion ensued)

Senator Weston demanded a roll call.

The Clerk proceeded to call the roll.

The following named Senators voted in the affirmative: Senators Finley, Mitchell, Smart, Bryant, Butler, Spaulding, Weston, Avery, Chesley and Estabrook.

The following named Senators voted in the negative: Senators Lazure, Page, Munroe, Fairbanks, James, Noel, Bond, Mahoney, O'Malley, Brouillette, Marcoux, Cole and Dale.

Ten Senators having voted in the affirmative and thirteen in the negative, the negative prevailed and the motion to substitute was lost.

The question being stated.

Shall the recommendations of the majority of the Committee be adopted?

On a *viva voce* vote the affirmative prevailed and the recommendations were adopted.

Senator Weston offered the following amendment:

Amend the title of said bill by striking out the same and inserting in place thereof the following: An act to Abolish Fast Day.

Amend section 1 of the bill by striking out said section and inserting in place thereof the following:

1. *Fast Day Abolished.* Amend section 2 of chapter 313 of the Public Laws, as amended by chapter 11 of the Laws of 1929, by striking out the words "and Fast Day" in the first line, so that said section as amended shall read as follows: 2. *Legal Holidays.* Thanksgiving Day whenever appointed, the first Monday in September known as Labor Day, the day on which a biennial election is held, January first, February twenty-second, May thirtieth, July fourth, October twelfth, November eleventh, known as Armistice Day, and Christmas day are legal holidays.

(Discussion ensued)

Senator Weston demanded a roll call.

The Clerk proceeded to call the roll.

The following named Senators voted in the affirmative: Senators Mitchell, Bryant, Page, Spaulding, Weston, Avery, Chesley and Estabrook.

The following named Senators voted in the negative: Senators Lazure, Finley, Smart, Munroe, Fairbanks, Butler, James, Noel, Bond, Mahoney, O'Malley, Brouillette, Marcoux, Cole and Dale.

Eight Senators having voted in the affirmative and fifteen in the negative, the negative prevailed and the amendment was not adopted.



## Recess

The Senate reassembled.

Senator Page offered the following amendment:

Amend by striking out the title of the Act and substituting the following: An act to change the name and date of the holiday now known as Fast Day.

Amend Section 1 of the bill by striking out the words, known as Fast Day in lines 4 and 6 of the bill, and substituting therefor the words, known as Forefathers' Day. Further amend by striking out title of Section 1 and substituting therefor, the title, Forefathers' Day, so that the same as amended shall read as follows:

1. *Forefathers' Day, When Celebrated.* Amend section 2 of chapter 313 of the Public Laws, as amended by chapter 11 of the Laws of 1929 by striking out the words, "and Fast Day" in the first line and by inserting after the word "appointed" the words, the last Monday in April known as Forefathers' Day, so that said section as amended shall read as follows:
2. *Legal Holiday.* Thanksgiving day whenever appointed, the last Monday in April known as Forefathers' Day, the first Monday in September known as Labor Day, the day on which a biennial election is held, January first, February twenty-second, May thirtieth, July fourth, October twelfth, November eleventh, known as Armistice Day, and Christmas Day are legal holidays.

(Discussion ensued)

Senator James demanded a roll call.

The Clerk proceeded to call the roll.

The following named Senators voted in the affirmative: Senators Mitchell, Page, Spaulding, and Weston.

The following named Senators voted in the negative: Senators Lazure, Finley, Smart, Bryant, Munroe, Fairbanks, Butler, James, Noel, Avery, Bond, Mahoney, O'Malley, Brouillette, Marcoux, Chesley, Cole, Estabrook and Dale.

Four Senators having voted in the affirmative and nineteen in the negative, the negative prevailed and the amendment was not adopted.

The bill was then ordered to a third reading this afternoon at two o'clock.

On motion of Senator Brouillette, the rules were suspended and all business in order for this afternoon at two o'clock was made in order at the present time.

### Third Readings

The following entitled bill was read a third time and passed:

Senate Bill No. 11, An act relative to the celebration of Fast Day.

On motion of Senator Mahoney, the Senate adjourned.

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WEDNESDAY, FEBRUARY 15, 1939.

The Senate met according to adjournment.

### Leave of Absence

Senator Spaulding and Senator Weston were granted leave of absence on account of weather conditions.

### House Message

The following message was received from the House of Representatives by its Clerk:

*Mr. President:*

The House of Representatives has passed the following entitled bills, in the passage of which it asks the concurrence of the Honorable Senate.

House Bill No. 118, An act relating to legal holidays.

House Bill No. 152, An act authorizing the town of Belmont to issue refunding notes or bonds.

House Bill No. 9, An act relating to horse racing and creating a State Racing Commission.

### **Read and Referred**

The following entitled bills sent up from the House of Representatives were read a first and second time and referred,

To the Committee on Judiciary.

House Bill No. 118, An act relating to legal holidays.

House Bill No. 152, An act authorizing the town of Belmont to issue refunding notes or bonds.

To the Committee on Ways and Means.

House Bill No. 9, An act relating to horse racing and creating a State Racing Commission.

### **Concurrent Resolution**

On motion of Senator Mitchell, the following concurrent resolution was adopted and sent to the House of Representatives for concurrence:

*Resolved*, by the Senate, the House of Representatives concurring that the regular sessions of the General Court be held on Wednesday, February 22.

### **Committee Reports**

Senator Spaulding for the Committee on Agriculture, to whom was referred,

House Bill No. 116, An act relating to the practice of veterinary medicine.

Having considered the same, reported the same without amendment and recommended its passage.

The report was accepted, recommendation of the committee adopted, and the bill ordered to a third reading this afternoon at two o'clock.

Senator Mahoney for the Committee on Liquor Laws, to whom was referred,

Senate Bill No. 15, An act relating to solicitor's permits,

Having considered the same, reported the same with the following amendment and recommended that the bill as amended ought to pass.

Amend section 1 of the bill by adding at the end thereof the following: Approved by the Liquor Commission; so that said section as amended will read as follows:

1. Amend section 12 of chapter 99 of the Laws of 1933 by inserting at the end thereof the following words: "A solicitor's permit shall not be required for any salaried office employee"; so that said section as amended shall read as follows:

12. *Solicitor's* ————. Solicitor's permits shall authorize the permittee within the State of New Hampshire to offer for sale or solicit orders for the sale of, within the State of New Hampshire, any beverage if the vendor of such beverage is the holder of a manufacturer's or wholesaler's permit issued under this act. Solicitor's permits shall not be issued without the recommendation of the vendor whom the solicitor represents. A solicitor's permit shall not be required for any salaried office employee, approved by the Liquor Commission.

The report of the committee was accepted, amendment adopted and the bill as amended ordered to a third reading this afternoon at two o'clock.

Senator Mahoney for the Committee on Liquor Laws, to whom was referred,

Senate Bill No. 8, An act providing for the payment by wholesale permittees of certain fees for the sale of certain alcoholic beverages,

Having considered the same, reported the same in new draft, and recommended that the bill in new draft be recommitted to the Committee on Liquor Laws.

The bill in its new draft was read a first and second time, laid upon the table to be printed and recommitted to the Committee on Liquor Laws.

Senator Avery for the Committee on Revision of Laws, to whom were referred,

Senate Bill No. 19, An act relating to pharmacist equipment,

Senate Bill No. 20, An act relating to the payment of county taxes,

Having considered the same, reported the same without amendment and recommended their passage.

The reports were accepted, recommendations of the committee adopted and the bills ordered to a third reading this afternoon at two o'clock.

Senator Avery for the Revision of Laws, to whom was referred,

Senate Bill No. 18, An act relating to the rights of married women,

Having considered the same, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and resolution of the committee adopted.

\* Senator Lazure for the Committee on Engrossed Bills, to whom was referred,

House Bill No. 16, An act closing Robinson pond in the town of Hudson to all fishing.

Having considered the same, reported the same under Joint Rule No. 6, with the following amendment and recommended that the bill as amended ought to pass.

House Bill No. 16, amend said bill by striking out section 1 and inserting in place thereof the following:

1. *Closed to all Fishing.* Amend section 7 of chapter 155 of the Laws of 1935, by adding after paragraph X, as inserted by section 32, chapter 188 of the Laws of 1937, the following new paragraph:

XI. Robinson pond in the town of Hudson for a period of two years from the date of the passage of this act.

The report was accepted.

On a *viva voce* vote the amendment was adopted and the bill as amended sent to the House of Representatives for concurrence in the Senate amendment.

### Bills Engrossed

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled bills and joint resolution:

House Bill No. 40, An act prohibiting the publication by county officials of names of persons receiving soldiers' aid.

House Bill No. 49, An act relating to City and Town Tax Collectors' Association.

House Bill No. 61, An act relating to emergency public works.

House Bill No. 65, An act legalizing the November, 1936, election in the town of Barnstead.

House Joint Resolution No. 15, Joint resolution memorializing the Federal Hospitalization Board of the United States Veterans Administration.

ALBERT C. LAZURE,  
*For the Committee.*

### House Message

The following message was received from the House of Representatives by its Clerk:



*Mr. President:*

The House of Representatives has voted to concur with the Honorable Senate in the following concurrent resolution sent down from the Honorable Senate:

*Resolved* by the Senate, the House of Representatives concurring, that the regular sessions of the General Court be held on Wednesday, February 22nd.

On motion of Senator Smart the rules were suspended and all business in order for this afternoon at two o'clock was made in order at the present time.

### **Third Readings**

The following entitled bills were read a third time and passed.

House Bill No. 116, An act relating to the practice of veterinary medicine.

Senate Bill No. 20, An act relating to the payment of county taxes.

Senate Bill No. 19, An act relating to pharmacist equipment.

Senate Bill No. 15, An act relating to Solicitor's permits.

On motion of Senator Noel, the Senate adjourned.

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THURSDAY, FEBRUARY 16, 1939.

The Senate met according to adjournment.

### **Leave of Absence**

Senator Munroe was granted leave of absence for the day on account of important business.

### **House Message**

The following message was received from the House of Representatives by its Clerk:

*Mr. President:*

The House of Representatives has passed the following entitled bills, in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 77, An act relating to check lists for school meetings.

House Bill No. 206, An act relative to the publication of vital statistics in town reports.

The message further stated that the House of Representatives had voted to concur with the Honorable Senate in its adoption of the amendments offered by the Committee on Engrossed Bills to the following entitled bills:

House Bill No. 90, An act relating to the New Hampshire Congregational Conference.

House Bill No. 110, An act relating to taking pickerel in Lake Wentworth in Wolfeboro.

House Bill No. 111, An act relating to pickerel fishing in Rust pond in Wolfeboro and Mirror lake in Tuftonboro and Wolfeboro.

### **Read and Referred**

The following entitled bills sent up from the House of Representatives were read a first and second time and referred,

To the Committee on Judiciary,

House Bill No. 77, An act relating to check lists for school meetings,

To the Committee on Public Health,

House Bill No. 206, An act relative to the publication of vital statistics in town reports.

On motion of Senator Lazure the following resolution was adopted:

### **Resolution on the Death of Pope Pius XI**

*Whereas*, Almighty God in His infinite wisdom has seen fit to call to his eternal reward Pope Pius XI,

*And Whereas*, though he died saying that there were still "so many things to do" the commanding influence of Pope Pius XI has only begun to make itself felt.

In the deep disorder of his time he discerned the root of the disorder; in the savage struggles of his time he defined the issue at the heart of the struggle; in the darkness and the confusion he clarified the idea upon which the civilization of the West is founded, by which it will be restored and through which it will be preserved.

This idea is the mold in which Western civilization has been formed. It is that because he is endowed with reason and can, therefore, choose between falsehood and truth, man is an inviolable soul; that because he is an inviolable soul, man must never be treated as if he were a thing; and he can never finally surrender to arbitrary unreason and to brute force.

Upon this conception of man depend all the institutions of Western civilization; the true liberty of the individual, the very conception of the law, the grounds of justice and unity among rational persons.

The Pontificate of Pope Pius XI was one long protest against the denial of this conception of men.

He protested in Russia, in Mexico, in Spain, in Germany and in Italy. What made the protest an influence which will shape the course of history was that it rose out of a clear understanding of that faith which despite all the political and sectarian and dogmatic differences that divide them, is the basic and universal faith of Western men.

Thus he made plain to the discerning what will eventually become clear to almost all — that the essential issue is not between Fascism and Communism, not between authoritarianism and democracy, not between liberty and order, not between license and discipline but between the faith which affirms and

the laws which deny that men are inviolable, responsible, rational and free. Because he defined the real issue at the center of the whole immense disorder, Pope Pius XI exercised a spiritual influence beyond that of any Pope in modern times. Though in many parts of the world his church is persecuted, it is the fact, and experience will prove it, that under his guidance its foundations have become stronger and more nearly universal than they have been for several centuries.

Not for many generations has the moral energy of his church been so abundant; not for a long age has its intellectual life been so vigorous, so clarifying and so creative. Pope Pius XI was equal to the historic test which he was called upon to meet.

For he had the inner virtue of great men which is that, when they are put to the test, they know how to draw from that which is most essential in tradition, the understanding and the power to meet the test.

An uninspired and mediocre man might easily have fallen into confusion and weakness. But this Pope was a great man.

And so as the disorder developed, he drew from that which is most fundamental and most universal in the tradition of his church, the capacity to see clearly and the strength to speak resolutely.

For that he is venerated in every land.

Because of that the Prime Minister of Great Britain paid him a visit, not as a matter of perfunctory courtesy but of acknowledgement that he represented that conception of human life which civilized men cannot and will not surrender.

That visit was an event without precedent in modern times, and its symbolic significance was immense.

For in making that visit the Prime Minister acted on behalf of all those who, though they have different creeds, have one faith.

He was expressing their gratitude to the Pontiff who had declared its faith to a world that had almost lost it but is increasingly aware that the world must return to it.

For this Pope Pius XI will be long remembered, since his influence will long be felt.

And so when in the future men come to define the place of Pope Pius XI in history, they will perhaps say that he was in modern times the most catholic, in the sense of the most universal, defender of the faith that makes men civilized.

*Therefore Be It Resolved*, That when this day's session of the Senate adjourns that it do so in memory of the late Pope Pius XI, whose funeral is being held today.

*Be It Further Resolved*, That this resolution be printed in the Journal of the Senate.

### Committee Report

Senator Avery, for the Committee on Military Affairs, to whom was referred,

Senate Bill No. 16, An act relating to the establishment of towns and cities,

Having considered the same, reported the same without amendment and recommended its passage.

The report was accepted, recommendation of the committee adopted and the bill ordered to a third reading this afternoon at two o'clock.

On motion of Senator Fairbanks, the rules were suspended and all business in order for this afternoon at two o'clock was made in order at the present time.

### Third Readings

The following entitled bill was read a third time and passed:

Senate Bill No. 16, An act relating to the establishment of towns and cities.

On motion of Senator Finley the following resolution was adopted:

*Resolved*, That when the Senate adjourns this morning, it adjourn to meet tomorrow morning at 9:00 o'clock, and when it adjourns Friday morning it be to meet Monday evening at 6:00 o'clock.

On motion of Senator Lazure the Senate adjourned out of respect to the memory of Pope Pius XI.

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FRIDAY, FEBRUARY 17, 1939.

The Senate met according to adjournment.

The President presiding.

There being manifestly no quorum present, the President declared the Senate adjourned.

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MONDAY, FEBRUARY 20, 1939.

The Senate met according to adjournment.

The President presiding.

There being manifestly no quorum present, the President declared the Senate adjourned.

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TUESDAY, FEBRUARY 21, 1939.

The Senate met according to adjournment.



### House Message

The following message was received from the House of Representatives by its Clerk:

*Mr. President:*

The House of Representatives has passed the following entitled bills and joint resolutions, in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 5, An act relating to warning town meetings.

House Bill No. 28, An act relating to licenses and examinations of domestic insurance companies.

House Bill No. 123, An act relative to the definition of persons eligible for aid to the aged.

House Bill No. 127, An act relating to taxation of foreign insurance companies.

House Bill No. 252, An act relating to the salary of the Justice of the Municipal Court of Milford.

House Joint Resolution No. 22, Joint resolution appropriating funds for the publication of wartime military records.

House Joint Resolution No. 37, Joint resolution in favor of Mount Washington Observatory.

House Joint Resolution No. 40, Joint resolution in favor of Mount Washington Observatory.

### Read and Referred

The following entitled bills sent up from the House of Representatives were read a first and second time and referred,

To the Committee on Judiciary,

House Bill No. 5, An act relating to warning town meetings.

House Bill No. 252, An act relating to the salary of the Justice of the Municipal Court of Milford.

To the Committee on Finance,

House Bill No. 28, An act relating to licenses and examination of domestic insurance companies.

House Joint Resolution No. 22, Joint resolution appropriating funds for the publication of wartime military records.

House Joint Resolution No. 37, Joint resolution in favor of Mount Washington Observatory.

House Joint Resolution No. 40, Joint resolution in favor of Mount Washington Observatory.

To the Committee on Revision of Laws,

House Bill No. 123, An act relative to the definition of persons eligible for aid to the aged.

To the Committee on Insurance,

House Bill No. 127, An act relating to taxation of foreign insurance companies.

### Committee Reports

Senator O'Malley for the Committee on Finance, to whom was referred

House Bill No. 108, An act relative to permanent improvements and additional facilities at the Tramway,

Having considered the same, reported the same without amendment and recommended its passage.

The report was accepted, recommendation of the committee adopted and the bill ordered to a third reading this afternoon at two o'clock.

Senator Avery for the Committee on Revision of Laws, to whom was referred

House Bill No. 35, An act relating to the charter of the city of Somersworth,

Having considered the same, reported the same with the following amendment and recommended that the bill as amended ought to pass.

Amend said bill by striking out all after section 2 and inserting in place thereof the following:

3. *Council.* At the municipal election to be held on the Tuesday following the first Monday in November, 1939, and biennially thereafter, each ward shall elect two councilmen. The term of office of each shall be for two years and until his successor shall be chosen and qualified in his stead.

4. *Administration.* The administration of the fiscal, prudential and general municipal affairs of said city and the government thereof shall be vested in one principal officer to be called a mayor and a board of ten members to be called the Council. The mayor and council shall act as one body to be called the City Council.

5. *Mayor.* The mayor shall be chosen at the municipal election for a term of two years and shall receive a salary of seven hundred dollars per annum. He shall have a negative upon all the acts of the council to which his veto power would extend had the city government herein constituted provided for a board of aldermen, and such veto shall extend to individual items of appropriation. He shall preside in the meetings of the city council, but shall have no vote except in case of an equal division. In the absence of the mayor, the council may elect by ballot one of the members chairman who shall have all the powers of performing all the duties of the mayor during such absence, or during disability or a vacancy in office from any cause.

6. *City Clerk.* The mayor and city council shall take their respective oaths on the first Tuesday of January following their election, and at such time shall choose by ballot a city clerk whose term of office shall continue for two years, and until another shall be chosen and qualified to act in his stead. The term of

office of the city clerk, elected on the third Tuesday of March, 1937, is hereby extended to the first Tuesday of January, 1940.

7. *Selectmen.* At the municipal election to be held on the Tuesday following the first Monday in November, 1939, and biennially thereafter, three selectmen shall be elected by and from the qualified voters of each ward who shall hold their respective offices for the term of two years and until others shall be chosen and qualified to act in their stead.

8. *School Board.* At the municipal election to be held on the Tuesday following the first Monday in November, 1939, and biennially thereafter, one member of the school board shall be elected from each ward for a term of two years. The city council shall, between the third and the last day of January, 1940, and biennially thereafter, elect five members of said school board to serve for two years each. The persons so elected by the said wards and the city council shall be residents of said city and shall constitute said school board and their terms of office shall begin on the first Tuesday of February next after their respective elections.

9. *Tenure of Office of Present Officers.* The term of each officer elected at the annual municipal election, except the school board, whose term would otherwise have expired in March, 1939, is hereby extended to the first Tuesday of January, 1940, and the term of each other such officer of said city holding office prior to said first Tuesday in January, 1940, shall expire on said date. The term of office of each member of the school board elected at the annual municipal election whose term would otherwise have expired in April, 1939, is hereby extended to the first Tuesday of February, 1940, and the term of office of each other mem-

ber of the school board holding office prior to the first Tuesday of February, 1940, shall expire on said date.

10. *Appointive Officers.* In order that the purposes of this act for holding the municipal election biennially instead of annually may be carried out the mayor and council are hereby authorized to extend the term of office of persons whose terms under said appointments would otherwise expire prior to the first Tuesday of January, 1940, to said date.

11. *Takes Effect.* This act shall take effect upon its passage.

The report was accepted, recommendation of the committee adopted and the bill ordered to a third reading this afternoon at two o'clock.

Senator Noel for the Committee on Public Health to whom was referred House Bill No. 146, An act relating to the registration of nurses having considered the same, reported the same without amendment and recommended its passage.

The report was accepted, recommendation of the committee adopted and the bill ordered to a third reading this afternoon at two o'clock.

Senator Lazure for the Committee on Engrossed Bills to whom was referred House Bill No. 130, An act authorizing the town of Newmarket to issue refunding notes or bonds, having considered the same, reported the same under Joint Rule No. 6, with the following amendment and recommended that the bill as amended ought to pass.

Amend section 4 of said bill by inserting after the word "Newmarket" in the fourth line the words and figures, during the year 1939.

The report was accepted, amendment adopted and the bill as amended sent to the House of Representatives for concurrence in the Senate amendment.

Senator Lazure for the Committee on Engrossed Bills, to whom was referred House Bill No. 116, An act relating to the practice of veterinary medicine, having considered the same, reported the same under Joint Rule No. 6, with the following amendment and recommended that the bill as amended ought to pass.

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1. *Veterinary Medicine, Practice of.* Amend section 9 of chapter 209 of the Public Laws, as amended by section 3, chapter 87, Laws of 1929, by striking out said section and inserting in place thereof the following: 9. *Examinations.* Before such application is granted, said board shall require the applicant to submit to an examination as to his qualifications for such practice, in manner and form and on such subjects as are prescribed by said board. Provided, however, that no applicant shall be eligible for such examination until he has satisfied the board that he is a graduate of a veterinary college recognized as such by the American Veterinary Medical Association and by the Bureau of Animal Industry, United States Department of Agriculture, and having a course of study of not less than four school years of not less than six months each.

Should an applicant fail to pass a satisfactory examination he shall not be eligible for a second examination within six months.

The report was accepted, amendment adopted and the bill as amended sent to the House of Representatives for concurrence in the Senate amendment.

### **Bills Engrossed**

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled bills:



House Bill No. 90, An act relating to the New Hampshire Congregational-Christian Conference.

House Bill No. 110, An act relating to taking pickerel in Lake Wentworth in Wolfeboro.

House Bill No. 111, An act relating to pickerel fishing in Rust Pond in Wolfeboro and Mirror Lake in Tuftonboro and Wolfeboro.

OLIVER H. MUNROE,  
*For the Committee.*

### Introduction of Bills

Senator Dale, under a suspension of the rules, sixteen Senators having actually voted in favor thereof, introduced the following entitled bill which was read a first and second time, laid upon the table to be printed and referred to the Committee on Revision of Laws.

Senate Bill No. 23, An act relating to the State Board of Health.

Senator Lazure, under a suspension of the rules, sixteen Senators having actually voted in favor thereof, introduced the following entitled bill which was read a first and second time, laid upon the table to be printed and referred to the Committee on Judiciary.

Senate Bill No. 24, An act establishing a Board of Fire Commissioners for the City of Berlin.

On motion of Senator Page the rules were suspended and all business in order for this afternoon at two o'clock was made in order at the present time.

### Third Readings

The following entitled bills were read a third time and passed.

House Bill No. 108, An act relative to permanent improvements and additional facilities at the tramway.

House Bill No. 35, An act relating to the charter of the city of Somersworth.

House Bill No. 146, An act relating to the registration of nurses.

On motion of Senator Bond the Senate adjourned.

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WEDNESDAY, FEBRUARY 22, 1939.

The Senate met according to adjournment.

### House Message

The following message was received from the House of Representatives by its Clerk:

*Mr. President:*

The House of Representatives has passed the following entitled bills in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 30, An act relating to incorporation of insurance companies.

House Bill No. 36, An act relating to the preservation of ballots at town or school district meetings.

House Bill No. 43, An act relating to the closing to fishing of Umbagog lake.

House Bill No. 85, An act relating to the sale of beverages on election days after the polls are closed.

House Bill No. 138, An act relating to assessment.

House Bill No. 139, An act relative to the payment of poll taxes.

### Read and Referred

The following entitled bills sent up from the House of Representatives were read a first and second time and referred,

To the Committee on Insurance,

House Bill No. 30, An act relating to incorporation of insurance companies.

To the Committee on Judiciary,

House Bill No. 36, An act relating to the preservation of ballots at town or school district meetings.

House Bill No. 138, An act relating to assessment.

House Bill No. 139, An act relative to the payment of poll taxes.

To the Committee on Fisheries and Game,

House Bill No. 43, An act relating to the closing to fishing of Umbagog lake.

To the Committee on Liquor Laws,

House Bill No. 85, An act relating to the sale of beverages on election days after the polls are closed.

Senator Weston read the following poem and moved that when the Senate adjourns today it be in memory of the anniversary of the birth of George Washington.

### George Washington

This was the man God gave us when the hour  
Proclaimed the dawn of Liberty begun;  
Who dared a deed, and died when it was done:  
Patient in triumph, temperate in power—  
Not striving like the Corsican to tower  
To heaven, nor like great Phillip's greater son  
To win the world and weep for worlds unwon,  
Or lose the star to revel in the flower.  
The lives that serve the eternal verities  
Alone do mold mankind. Pleasure and pride  
Sparkle awhile and perish, as the spray,  
Smoking across the crests of cavernous seas,  
Is impotent to hasten or delay  
The everlasting surges of the tide.

—John H. Ingham.

On a *viva voce* vote the motion was adopted.

### Introduction of Bills

Senator Chesley, under a suspension of the rules, sixteen Senators having actually voted in favor there-

of, introduced the following entitled bill which was read a first and second time, laid upon the table to be printed and referred to the Committee on Public Health.

Senate Bill No. 25, An act relating to mortuary regulations.

Senator Brouillette, under a suspension of the rules, sixteen Senators having actually voted in favor thereof, introduced the following entitled bill which was read a first and second time, laid upon the table to be printed and referred to the Committee on Revision of Laws.

Senate Bill No. 26, An act amending Chapter 177 of the Public Laws, the safety and health of employees.

### Committee Reports

Senator Lazure for the Committee on Judiciary, to whom was referred,

House Bill No. 168, An act legalizing the action of the Bethlehem Village District annual meeting.

House Bill No. 136, An act relating to report of sale.

House Bill No. 137, An act relating to bonds,

Having considered the same, reported the same without amendment and recommended their passage.

The reports were accepted, recommendations of the committee adopted and the bills severally ordered to a third reading this afternoon at two o'clock.

Senator Lazure, for the Committee on Judiciary, to whom was referred,

Senate Bill No. 14, An act designating the White Mountain Highway,

Having considered the same, reported the same with the following amendment and recommended that the bill as amended ought to pass.

Amend section 1 of the bill by striking out in lines 3, 4 and 5 the following words, "from the Massachu-

setts state line at Seabrook and through Pinkham Notch, thence through Dixville Notch to Colebrook," and substituting therefor the following, "from the intersection of the Lafayette Road at Portsmouth to and through Pinkham Notch to the intersection of Route Twenty-six at Errol, said road being a part of Route Sixteen," so that said section as amended shall read as follows:

1. *Designation.* In recognition of the part the White Mountains has played in the development of the recreational facilities of the state, the great New Hampshire highway extending from the intersection of the Lafayette Road at Portsmouth to and through Pinkham Notch to the intersection of Route Twenty-six at Errol, said road being a part of Route Sixteen, and designated as the East Side road by section 15 of Chapter 35 of the Laws of 1905, as inserted by chapter 155 of the laws of 1909, is hereby given the name of the White Mountain Highway and the governor and council are authorized to direct all things necessary to suitably mark and designate said highway accordingly.

The report was accepted, amendment adopted and the bill as amended ordered to a third reading this afternoon at two o'clock.

Senator Lazure, for the Committee on Judiciary, to whom was referred,

House Bill No. 166, An act to authorize the town of Henniker to purchase water power property in said town,

Having considered the same, reported the same with the following resolution:

*Resolved,* That it is inexpedient to legislate.

The report was accepted and recommendation of the committee adopted.

Senator Dale for the Committee on Education, to whom was referred,

House Bill No. 56, An act transferring the administration of aid to the deaf from the Board of Public Welfare to the Board of Education, having considered the same, reported the same without amendment and recommended its passage.

The report was accepted, recommendation of the Committee adopted and the bill ordered to a third reading this afternoon at two o'clock.

A majority of the Committee on Ways and Means, to whom was referred House Bill No. 9, An act relating to horse racing and creating a State Racing Commission, having considered the same, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

CURTIS H. PAGE  
HARRY P. SMART  
FRANK J. BRYANT  
T. JEWETT CHESLEY

*For a majority of the Committee.*

A minority of the Committee on Ways and Means, to whom was referred House Bill No. 9, An act relating to horse racing and creating a State Racing Commission, having considered the same, reported the same without amendment and recommended its passage.

ALDEGE A. NOEL  
EDMOND J. MARCOUX  
CHARLES M. DALE

*For a minority of the Committee.*

The report of the majority was accepted.

Senator Noel moved that the report of the minority be substituted for that of the majority.

(Discussion ensued)

Senator Finley demanded a roll call.

The question being stated,



Shall the report of the minority ought to pass be substituted for that of the majority inexpedient to legislate?

The Clerk proceeded to call the roll.

The following named Senators voted in the affirmative: Senators Lazure, Mitchell, Fairbanks, James, Noel, Bond, Mahoney, O'Malley, Brouillette, Marcoux, Cole, Estabrook and Dale.

The following named Senators voted in the negative: Senators Finley, Smart, Bryant, Page, Munroe, Butler, Spaulding, Weston, Avery and Chesley.

Thirteen Senators having voted in the affirmative and ten in the negative, the affirmative prevailed and the report of the minority was substituted for that of the majority.

Senator Chesley offered the following amendment:

Amend section 1 of said bill by striking out the figure "1944" and inserting in place thereof the figure 1942, so that said section as amended shall read as follows:

1. *Pari Mutuel Pools.* Amend section 14, chapter 27, of the Laws of 1935 by striking out the said section and inserting in place thereof the following: 14. *Pari Mutuel Pools.* Within the enclosure of any race track where is held a race or race meet licensed and conducted under this act, but not elsewhere, the sale of pari mutuel pools by the licensee under such regulations as may be prescribed by said commission is hereby permitted and authorized during the calendar years 1939 to 1942, inclusive. Commissions on such pools shall in no event and at no track exceed ten per cent (10%) of each dollar wagered, plus the odd cents of all redistribution to be based on each dollar wagered exceeding a sum equal to the next lowest multiple of ten, known as "breakage", one half of which "breakage" shall be retained by the licensee and the balance

shall be paid to the state treasurer for the use of the state as provided by other sections of this act. Said maximum shall include the four per cent (4%) tax hereinafter prescribed.

Senator Noel demanded a roll call.

The question being stated,

Shall the amendment offered by Senator Chesley be adopted?

The Clerk proceeded to call the roll.

The following named Senators voted in the affirmative: Senators Finley, Mitchell, Smart, Bryant, Page, Munroe, Fairbanks, Butler, Spaulding, Weston, Avery, Chesley and Estabrook.

The following named Senators voted in the negative: Senators Lazure, James, Noel, Bond, Mahoney, O'Malley, Brouillette, Marcoux, Cole and Dale.

Thirteen Senators having voted in the affirmative and ten in the negative, the affirmative prevailed and the amendment was adopted.

Senator Butler offered the following amendment.

Amend said bill by inserting after section 2 thereof the following new section: 3. *Prohibition*. Amend chapter 27 of the Laws of 1935 by inserting after section 21 the following new section: 21-a. *Prohibition*. No person, association or corporation conducting a racing plant under the provisions of this act, nor the commission, shall employ at said racing plant, during the time in which the general court is in session, any person who is a member of said general court.

Further amend said bill by renumbering section 3 to read section 4.

Senator Brouillette demanded a roll call.

The question being stated,

Shall the amendment offered by Senator Butler be adopted?

The Clerk proceeded to call the roll.

The following named Senators voted in the affirmative: Senators Lazure, Finley, Mitchell, Smart, Bryant, Page, Munroe, Fairbanks, Butler, Spaulding, Weston, James, Noel, Avery, Bond, Mahoney, O'Malley, Brouillette, Marcoux, Chesley, Cole, Estabrook and Dale.

Twenty-three Senators having voted in the affirmative, the affirmative prevailed and the amendment was adopted.

Senator Mitchell offered the following amendment:

Amend section 1 of said bill by inserting after the word "four" in the last line the words, and one quarter, so that said section as amended shall read as follows:

1. *Pari Mutuel Pools; Payment to State.* Amend section 14, chapter 27, of the Laws of 1935, by striking out the said section and inserting in place thereof the following: 14. *Pari Mutuel Pools.* Within the enclosure of any race track where is held a race or race meet licensed and conducted under this act, but not elsewhere, the sale of pari mutuel pools by the licensee under such regulations as may be prescribed by said commission is hereby permitted and authorized during the calendar years 1939 to 1942, inclusive. Commission on such pools shall in no event and at no track exceed ten per cent (10%) of each dollar wagered, plus the odd cents of all redistribution to be based on each dollar wagered exceeding a sum equal to the next lowest multiple of ten, known as "breakage," one half of which "breakage" shall be retained by the licensee and the balance shall be paid to the state treasurer for the use of the state as provided by other sections of this act. Said maximum shall include the four and one quarter per cent (4¼%) tax hereinafter prescribed.

Amend section 2 of said bill by striking out said section and inserting in place thereof the following:

2. *Pari Mutuel Pools.* Amend section 15 of said chapter 27 by striking out said section and inserting in place thereof the following: 15. *Tax.* Each person, association or corporation licensed to conduct a race or race meet under this act shall pay to the state treasurer a sum equal to four and one quarter per cent of the total contributions to all pari mutuel pools conducted or made at any race or race meet licensed under this act. Of the amount so paid to the state treasurer a sum equal to four per cent of said total contributions shall be distributed in accordance with the provisions of section 2 of said chapter 27 of the Laws of 1935, and a sum equal to one quarter of one per cent of said total contributions shall be expended for the promotion of agriculture in the state under the direction of the commissioner of agriculture. Each person, association or corporation licensed to conduct a race or race meet under this act also shall pay to the city or town treasurer in which the racing plant is located the sum of two hundred and fifty dollars for each day of racing, provided said person, association or corporation has a license to conduct races or race meets for more than eight days during the year for which the license is issued. If said person, association or corporation has a license to conduct races or race meets for less than eight days during the year for which the license is issued, the per diem fee to be paid to the city or town treasurer shall be determined by the commission.

(Discussion ensued)

Senator Dale demanded a roll call.

The question being stated

Shall the amendment offered by Senator Mitchell be adopted.

The Clerk proceeded to call the roll.

The following named Senators voted in the affirmative: Senators Finley, Mitchell, Smart, Bryant, Page, Munroe, Fairbanks, Butler, Spaulding, Weston, Avery, Chesley and Estabrook.

The following named Senators voted in the negative: Senators Lazure, James, Noel, Bond, Mahoney, O'Malley, Brouillette, Marcoux, Cole and Dale.

Thirteen Senators having voted in the affirmative and ten in the negative, the affirmative prevailed and the amendment was adopted.

On motion of Senator Noel, the rules were suspended and the foregoing bill was read a third time and passed.

### House Message

The following message was received from the House of Representatives by its Clerk:

*Mr. President:*

The House of Representatives has passed the following entitled bill in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 244, An act relating to municipal finances.

### Read and Referred

The following entitled bill sent up from the House of Representatives was read a first and second time and referred to the Committee on the Judiciary, House Bill No. 244, An act relating to municipal finances.

Senator Weston moved that the rules be suspended, reference to Committee dispensed with and the foregoing bill be read a third time and passed.

(Discussion ensued)

Senator Weston withdrew his motion.

On motion of Senator Munroe the rules were suspended and all business in order for this afternoon at two o'clock was made in order at the present time.

### Third Readings

The following entitled bills were read a third time and passed.

House Bill No. 56, An act transferring the administration of aid to the deaf from the Board of Public Welfare to the Board of Education.

House Bill No. 136, An act relating to report of sale.

House Bill No. 137, An act relating to bonds.

House Bill No. 168, An act legalizing the action of the Bethlehem Village District annual meeting.

Senate Bill No. 14, An act designating the White Mountain Highway.

On motion of Senator Mahoney the Senate adjourned.

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THURSDAY, FEBRUARY 23, 1939.

The Senate met according to adjournment.

### Leave of Absence

Senator Bryant was granted leave of absence for the day on account of important business.

### House Message

The following message was received from the House of Representatives by its Clerk:

*Mr. President:*

The House of Representatives has passed the following entitled bills in the passage of which it asks the concurrence of the Honorable Senate:



House Bill No. 26, An act relating to documents in the office of the insurance commissioner.

House Bill No. 44, An act relating to the open season for taking pickerel from Umbagog lake and Leonard pond.

House Bill No. 45, An act relative to the establishment of a game refuge on property of St. Paul's School.

House Bill No. 188, An act relating to land used for school purposes in the town of Newfields.

House Bill No. 232 (in new draft) An act providing for the incorporation of hospital service companies.

House Bill No. 234, An act relating to fly and bait fishing for brook trout in Connor pond in Ossipee.

House Bill No. 277, An act relating to advertising in so-called tourist guides.

### Read and Referred

The following entitled bills sent up from the House of Representatives were read a first and second time and referred,

To the Committee on Insurance,

House Bill No. 26, An act relating to documents in the office of the insurance commissioner.

House Bill No. 277, An act relating to advertising in so-called tourist guides.

To the Committee on Judiciary,

House Bill No. 188, An act relating to land used for school purposes in the town of Newfields.

To the Committee on Public Health,

House Bill No. 232, (in new draft) An act providing for the incorporation of hospital service companies.

To the Committee on Fisheries and Game,

House Bill No. 44, An act relating to open season for taking pickerel from Umbagog lake and Leonard pond.

House Bill No. 45, An act relative to the establishment of a game refuge on property of St. Paul's School.

House Bill No. 234, An act relating to fly and bait fishing for brook trout in Connor pond in Ossipee.

### **Committee Reports**

Senator Munroe for the Committee on Fisheries and Game, to whom were referred,

House Bill No. 91, An act closing Wash pond in Hampstead to ice fishing.

House Bill No. 114, An act relating to non-resident fur dealers,

Having considered the same, reported the same without amendment and recommended their passage.

The report was accepted, recommendations of the committee adopted, and the bills ordered to a third reading this afternoon at two o'clock.

On motion of Senator Weston the rules were suspended to permit the introduction of a committee report not previously advertised in the Journal.

Senate Lazure for the Committee on Judiciary, to whom was referred,

House Bill No. 244, An act relating to municipal finances,

Having considered the same, reported the same without amendment and recommended its passage.

The report was accepted, recommendation of the committee adopted and the bill ordered to a third reading this afternoon at two o'clock.

### **Bills Engrossed**

The Committee on Engrossed Bills have examined

and found correctly engrossed the following entitled bills:

House Bill No. 16, An act closing Robinson pond in the town of Hudson to all fishing.

House Bill No. 130, An act authorizing the town of Newmarket to issue refunding notes or bonds.

OLIVER H. MUNROE,  
*For the Committee.*

### Notice of Reconsideration

Senator Mitchell presented the following: Having voted with the majority on House Bill No. 9, An act relating to horse racing and creating a State Racing Commission, I hereby give notice that on today or some subsequent day I may move to reconsider the vote whereby the Senate voted the passage of the bill.

On motion of Senator Finley the rules were suspended and all business in order for this afternoon at two o'clock was made in order at the present time.

### Third Readings

The following entitled bills were read a third time and passed.

House Bill No. 91, An act closing Wash pond in Hampstead to ice fishing.

House Bill No. 114, An act relating to non-resident fur dealers.

House Bill No. 244, An act relating to municipal finances.

On motion of Senator Bond the following resolution was adopted.

*Resolved*, That when the Senate adjourns today it be to meet tomorrow morning at nine o'clock, and when it adjourns Friday morning it be to meet Monday evening at six o'clock.

On motion of Senator Avery, the Senate adjourned.

## FRIDAY, FEBRUARY 24, 1939.

The Senate met according to adjournment.

The President presiding.

There being manifestly no quorum present, the President declared the Senate adjourned.

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## MONDAY, FEBRUARY 27, 1939.

The Senate met according to adjournment.

The President presiding.

There being manifestly no quorum present, the President declared the Senate adjourned.

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## TUESDAY, FEBRUARY 28, 1939.

The Senate met according to adjournment.

**House Message**

The following message was received from the House of Representative by its Clerk:

*Mr. President:*

The House of Representatives has passed the following entitled bills in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 23, An act relating to ice fishing in Newfound lake.

House Bill No. 255, An act providing for an extension of the act relative to the issuance with state guarantee of emergency notes and bonds by towns, cities and counties.

House Bill No. 280, An act regulating the taking of brook trout in Trio ponds in Odell.

The message further stated that the House of Representatives had voted to concur with the Honorable Senate in the passage of the following entitled bills sent down from the Honorable Senate:

Senate Bill No. 1, An act authorizing joint control by sureties.

Senate Bill No. 4, An act to increase the salary of the County Treasurer of Sullivan County.

### **Read and Referred**

The following entitled bills sent up from the House of Representatives were read a first and second time and referred,

To the Committee on Fisheries and Game,

House Bill No. 23, An act relating to ice fishing in Newfound lake.

House Bill No. 280, An act regulating the taking of brook trout in Trio ponds in Odell.

To the Committee on Judiciary,

House Bill No. 255, An act providing for an extension of the act relative to the issuance with state guarantee of emergency notes and bonds by towns, cities and counties.

### **Committee Reports**

Senator Lazure, for the Committee on Engrossed Bills, to whom was referred,

House Bill No. 136, An act relating to sale,

Having considered the same, reported the same, under Joint Rule No. 6, with the following amendment and recommended that the bill as amended ought to pass.

Amend the title of said bill by striking out the same and inserting in place thereof the following:

An act relating to register of deeds of sale of real estate for taxes.

The report was accepted, amendment adopted and the bill as amended sent to the House of Representatives for concurrence in the Senate amendment.

Senator Lazure for the Committee on Engrossed Bills, to whom was referred,

House Bill No. 91, An act closing Wash pond in Hampstead to ice fishing,

Having considered the same, reported the same, under Joint Rule No. 6, with the following amendment and recommended that the bill as amended ought to pass.

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1. *Closed to Ice Fishing.* Amend paragraph VI of section 5 of chapter 155 of the Laws of 1935, as inserted by section 3, chapter 96, Laws of 1937, by inserting after the word "Alstead" the words, Wash pond in Hampstead, so that said paragraph as amended shall read as follows: VI. Warren lake in Alstead, Wash pond in Hampstead, White's pond in Pelham, Winnipauket lake in Webster, Zephyr lake in Greenfield.

The report was accepted, amendment adopted and the bill as amended sent to the House of Representatives for concurrence in the Senate amendment.

Senator Lazure for the Committee on Engrossed Bills, to whom was referred,

House Bill No. 108, An act relative to permanent improvements and additional facilities at the tramway,

Having considered the same, reported the same, under Joint Rule No. 6, with the following amendment



and recommended that the bill as amended ought to pass.

Amend section 1 of said bill by inserting at the end of the twelfth line the words, charged to or. Further amend said section 1 by striking out the words "of said net income" in the twenty-fifth line.

The report was accepted, amendment adopted and the bill as amended sent to the House of Representatives for concurrence in the Senate amendment.

Senator Mitchell withdrew his notice of request for reconsideration of House Bill No. 9, An act relating to horse racing and creating a State Racing Commission.

Senator Weston moved that the rules of the Senate be amended by adding a new section to be numbered 19 and to read as follows:

19. A hearing shall be held upon each bill and resolution referred to a committee, and notice of such hearing shall be advertised at least one day in the Journal of the Senate.

Further amend by renumbering Section 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33 and 34 to read 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34 and 35.

On a *viva voce* vote the amendment was adopted.

### Order Vacated

On motion of Senator Butler the order whereby House Bill No. 28, An act relating to licenses and examinations by domestic insurance companies, was ordered to the Committee on Finance be vacated and the bill be referred to the Committee on Insurance.

On motion of Senator Mahoney, the following resolution was adopted.

*Resolved*, That when the Senate adjourns today it adjourn out of respect to the memory of Senators Guyer and Stafford, members of the 1937 Senate.

On motion of Senator Bryant the rules were suspended and all business in order for this afternoon at two o'clock was made in order at the present time.

On motion of Senator Mahoney the Senate adjourned.

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WEDNESDAY, MARCH 1, 1939.

The Senate met according to adjournment.

**Leave of Absence**

Senator Marcoux was granted leave of absence for the day on account of important business.

**House Message**

The following message was received from the House of Representatives by its Clerk:

*Mr. President:*

The House of Representatives has passed the following entitled bills in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 106, An act relating to registration fees for vehicles carrying special equipment.

House Bill No. 314, An act in relation to timber salvage.

**Read and Referred**

The following entitled bills sent up from the House of Representatives were read a first and second time, laid upon the table to be printed and referred,

To the Committee on Revision of Laws,

House Bill No. 314, An act in relation to timber salvage.

To the Committee on Transportation,

House Bill No. 106, An act relating to registration fees for vehicles carrying special equipment.

### Committee Reports

Senator Lazure for the Committee on Judiciary to whom was referred, Senate Bill No. 24, An act establishing a Board of Fire Commissioners for the City of Berlin.

House Bill No. 5, An act relating to warning town meetings.

House Bill No. 252, An act relating to the salary of the Justice of the Municipal Court of Milford.

Having considered the same, reported the same without amendment and recommended their passage.

The reports were accepted, recommendations of the committee adopted and the bills ordered to a third reading this afternoon at two o'clock.

Senator O'Malley for the Committee on Finance, to whom were referred House Joint Resolution No. 22, Joint resolution appropriating funds for the publication of wartime military records.

House Joint Resolution No. 37, Joint resolution in favor of Mount Washington Observatory.

House Joint Resolution No. 40, Joint resolution in favor of Mount Washington Observatory.

Having considered the same, reported the same without amendment and recommended their passage.

The reports were accepted, recommendations of the committee adopted and the joint resolutions ordered to a third reading this afternoon at two o'clock.

### Majority and Minority Report

A majority of the Committee on Finance to whom was referred Senate Bill No. 9, An act relating to the State Liquor Commission.

Having considered the same, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

CHARLES F. BUTLER,  
HAROLD G. FAIRBANKS,  
CURTIS HIDDEN PAGE,  
LESTER E. MITCHELL,

*For a Majority of the Committee.*

A minority of the Committee on Finance to whom was referred Senate Bill No. 9, An act relating to the State Liquor Commission.

Having considered the same reported the same without amendment and recommended its passage.

THOMAS B. O'MALLEY,

*For the Minority of the Committee.*

The report of the majority was accepted.

Senator O'Malley moved that the report of the minority, ought to pass, be substituted for that of the majority, inexpedient to legislate, and with that motion pending it be made a special order for Tuesday, March 7, at 11:01 A. M.

On a *viva voce* vote the motion was adopted.

Senator Avery for the Committee on Revision of Laws to whom was referred,

Senate Bill No. 22, An act limiting the time within which a marriage certificate is valid.

Senate Bill No. 23, An act relating to the State Board of Health.

House Bill No. 123, An act relative to the definition of persons eligible for aid to the aged.

Having considered the same, reported the same without amendment and recommended their passage.

The reports were accepted, recommendations of the committee adopted and the bills ordered to a third reading this afternoon at two o'clock.

Senator Noel for the Committee on Public Health to whom was referred,

Senate Bill No. 25, An act relating to mortuary regulations,

Having considered the same, reported the same without amendment and recommended its passage.

The report was accepted, recommendation of the committee adopted and the bill ordered to a third reading this afternoon at two o'clock.

Senator Lazure for the Committee on Engrossed Bills to whom was referred,

House Bill No. 114, An act relating to non-resident fur dealers.

Having considered the same, reported the same under joint rule No. 6 with the following amendment and recommended that the bill as amended ought to pass.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *Repeal.* Paragraph II of section 13 of chapter 203 of the Public Laws, as inserted by section 7, chapter 124, Laws of 1935, and as amended by section 2, chapter 156, Laws of 1937, relative to fees for licenses for non-resident fur-buyers, is hereby repealed.

2. *Non-Resident Fur-Buyers.* Amend section 203 of the Public Laws, as inserted by section 7, chapter 124, Laws of 1935, by inserting after section 14 the following new section: 14-a. *No License Required.* A non-resident of this state may at any time engage in this state in the business of buying the furs or skins of fur-bearing animals from resident licensed fur buyers without a license so to do.

3. *Takes Effect.* This act shall take effect upon its passage.

The report was accepted, amendment adopted and the bill as amended sent to the House of Representatives for concurrence in the Senate amendment.

Senator Lazure for the Committee on Engrossed Bills to whom was referred,

House Bill No. 137, An act relating to bonds.

Having considered the same, reported the same under Joint Rule No. 6, with the following amendments and recommended that the bill as amended ought to pass.

Amend the title of said bill by inserting before the word "bonds" the words, tax collectors'.

Amend section 1 of said bill by inserting after the word "collector" in the second line the word, or.

Amend section 2 of said bill by striking out said section and inserting in place thereof the following:

2. *Collector of Taxes.* Amend said chapter 47 by adding after section 29 the following new section: 29-a. *Bond Required.* Each tax collector before entering upon his duties shall, within thirty days of his election or appointment unless said period of thirty days has been extended by the tax commission for good cause shown, give bond for the faithful performance of his duties. Such bond shall be approved in writing by the tax commission.

The report was accepted, amendments adopted and the bill as amended sent to the House of Representatives for concurrence in the Senate amendment.

### **Bills Engrossed**

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled bills:

House Bill No. 35, An act relating to the charter of the city of Somersworth.

Senate Bill No. 4, An act to increase the salary of the County Treasurer of Sullivan County.



House Bill No. 56, An act transferring the administration of aid to the deaf from the Board of Public Welfare to the Board of Education.

House Bill No. 116, An act relating to the practice of veterinary medicine.

House Bill No. 244, An act relating to municipal finances.

ALBERT C. LAZURE,  
*For the Committee.*

### Introduction of Guests

Former Senators George Roberts and William Hanson were escorted to the rostrum and were introduced to the Senate by the President.

### House Message

The following message was received from the House of Representatives by its Clerk:

*Mr. President:*

The House of Representatives has voted to concur with the Honorable Senate in the following amendment to the following entitled bill. House Bill No. 9, An act relating to horse racing and creating a State Racing Commission.

Amend section 1 of said bill by striking out the figure "1944" and inserting in place thereof the figure, 1942, and further amend said section by inserting after the word "four" in the last line the words, and one quarter, so that said section as amended shall read as follows:

1. *Pari Mutuel Pools.* Amend section 14, chapter 27, of the Laws of 1935, by striking out the said section and inserting in place thereof the following: 14. *Pari Mutuel Pools.* Within the enclosure of any race track where is held a race or race meet licensed

and conducted under this act, but not elsewhere, the sale of pari mutuel pools by the licensee under such regulations as may be prescribed by said commission is hereby permitted and authorized during the calendar years 1939 to 1942, inclusive. Commission on such pools shall in no event and at no track exceed ten per cent (10%) of each dollar wagered, plus the odd cents of all redistribution to be based on each dollar wagered exceeding a sum equal to the next lowest multiple of ten, known as "breakage", one half of which "breakage" shall be retained by the licensee and the balance shall be paid to the state treasurer for the use of the state as provided by other sections of this act. Said maximum shall include the four and one quarter per cent ( $4\frac{1}{4}\%$ ) tax hereinafter prescribed.

Amend said bill by inserting after section 2 thereof the following new section: 3. *Prohibition*. Amend chapter 27 of the Laws of 1935 by inserting after section 21 the following new section: 21-a. *Prohibition*. No person, association or corporation conducting a racing plant under the provisions of this act, nor the commission, shall employ at said racing plant, during the time in which the general court is in session, any person who is a member of said general court.

Further amend said bill by renumbering section 3 to read section 4.

The House of Representative has refused to concur with the Honorable Senate in the following amendment to the above bill, and asks for a Committee of Conference.

The Speaker has appointed as members on such a Committee on the part of the House Messrs. Merrow of Ossipee, Barnard and Booth of Manchester.

Amend section 2 of said bill by striking out said section and inserting in place thereof the following:

2. *Pari Mutuel Pools*. Amend section 15 of said chapter 27 by striking out said section and inserting

in place thereof the following: 15. *Tax.* Each person, association or corporation licensed to conduct a race or race meet under this act shall pay to the state treasurer a sum equal to four and one quarter per cent of the total contributions to all pari mutuel pools conducted or made at any race or race meet licensed under this act. Of the amount so paid to the state treasurer a sum equal to four per cent of said total contributions shall be distributed in accordance with the provisions of section 2 of said chapter 27 of the Laws of 1935, and a sum equal to one quarter of one per cent of said total contributions shall be expended for the promotion of agriculture in the state under the direction of the commissioner of agriculture. Each person, association or corporation licensed to conduct a race or race meet under this act also shall pay to the city or town treasurer in which the racing plant is located the sum of two hundred and fifty dollars for each day of racing, provided said person, association or corporation has a license to conduct races or race meets for more than eight days during the year for which the license is issued. If said person, association or corporation has a license to conduct races or race meets for less than eight days during the year for which the license is issued, the per diem fee to be paid to the city or town treasurer shall be determined by the commission.

On motion of Senator Page the Senate voted to accede to the request of the House of Representatives for a Committee of Conference and the President appointed as members of said Committee on the part of the Senate Senators Page and Noel.

### Introduction of Bills

Senator Brouillette, under a suspension of the rules, sixteen Senators having actually voted in favor thereof, introduced the following entitled bill which was

read a first and second time, laid upon the table to be printed and referred to the Committee on Fisheries and Game.

Senate Bill No. 27, An act relative to taking hares and rabbits.

Senator Brouillette, under a suspension of the rules, sixteen Senators having actually voted in favor thereof, introduced the following entitled bill which was read a first and second time, laid upon the table to be printed and referred to the Committee on Labor.

Senate Bill No. 28, An act to regulate the issuance of temporary injunctions.

On motion of Senator Lazure the rules were suspended and all business in order for this afternoon at two o'clock was made in order at the present time.

### Third Readings

The following entitled bills and joint resolutions were read a third time and passed.

House Bill No. 252, An act relating to the salary of the Justice of the Municipal Court of Milford.

House Bill No. 5, An act relating to warning town meetings.

Senate Bill No. 24, An act establishing a Board of Fire Commissioners for the city of Berlin.

House Joint Resolution No. 22, Joint resolution appropriating funds for the publication of wartime military records.

House Joint Resolution No. 37, Joint resolution in favor of Mount Washington Observatory.

House Joint Resolution No. 40, Joint resolution in favor of Mount Washington Observatory.

Senate Bill No. 22, An act limiting the time within which a marriage certificate is valid.

Senate Bill No. 23, An act relating to the State Board of Health.

House Bill No. 123, An act relative to the definition of persons eligible for aid to the aged.

Senate Bill No. 25, An act relating to mortuary regulations.

On motion of Senator James the Senate adjourned.

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THURSDAY, MARCH 2, 1939.

The Senate met according to adjournment.

#### Leave of Absence

Senator Brouillette was granted leave of absence for the day on account of important business.

#### House Message

The following message was received from the House of Representatives by its Clerk:

*Mr. President :*

The House of Representatives has passed the following entitled bills in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 48, An act to amend the charter of Coe's Northwood Academy.

House Bill No. 68, An act relative to exceptions to the law regarding one day rest in seven.

House Bill No. 79, An act to open Gorham pond now known as Lake Gorham in Dunbarton to ice fishing.

House Bill No. 96, An act relative to legal holidays.

House Bill No. 124, An act closing Nubanusit lake in the towns of Hancock and Nelson and Spoonwood pond in the town of Nelson to ice fishing.

House Bill No. 132, An act relating to distraint.

House Bill No. 133, An act regarding tax liens on real estate.

House Bill No. 135, An act relating to abatement.

House Bill No. 157, An act to close Forest lake, Winchester, to ice fishing.

House Bill No. 158, An act to close all tributaries of Pisgah reservoir in Winchester to fishing.

House Bill No. 352, An act relative to the issue of notes by the county of Merrimack.

The message further stated that the House of Representatives had voted to concur with the Honorable Senate in its adoption of the amendments offered by the Committee on Engrossed Bills to the following entitled bills:

House Bill No. 91, An act closing Wash pond in Hampstead to ice fishing.

House Bill No. 136, An act relating to sale.

House Bill No. 108, An act relative to permanent improvements and additional facilities at the tramway.

### Read and Referred

The following entitled bills sent up from the House of Representatives were read a first and second time and referred,

To the Committee on Judiciary,

House Bill No. 96, An act relative to legal holidays.

House Bill No. 352, An act relative to the issue of notes by the county of Merrimack.

To the Committee on Revision of Laws,

House Bill No. 48, An act to amend the charter of Coe's Northwood Academy.

House Bill No. 132, An act relating to distraint.

House Bill No. 133, An act regarding tax liens on real estate.

House Bill No. 135, An act relating to abatement.

To the Committee on Labor,

House Bill No. 68, An act relative to exceptions to the law regarding one day rest in seven.

To the Committee on Fisheries and Game,



House Bill No. 79, An act to open Gorham pond now known as Lake Gorham in Dunbarton to ice fishing.

House Bill No. 124, An act closing Nubanusit lake in the towns of Hancock and Nelson and Spoonwood pond in the town of Nelson to ice fishing.

House Bill No. 157, An act to close Forest lake, Winchester, to ice fishing.

House Bill No. 158, An act to close all tributaries of Pisgah reservoir in Winchester to fishing.

### Committee Reports

Senator Lazure for the Committee on Judiciary to whom were referred,

House Bill No. 160, An act to change the name of Crystal Lake to Canaan Street Lake.

House Bill No. 118, An act relating to legal holidays.

Having considered the same, reported the same without amendment and recommended their passage.

The reports were accepted, recommendations of the Committee adopted and the bills ordered to a third reading this afternoon at two o'clock.

Senator Lazure for the Committee on Judiciary to whom was referred,

House Bill No. 77, An act relating to check lists for school meetings.

Having considered the same, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and recommendation of the committee adopted.

Senator Bond for the Committee on Insurance to whom were referred,

House Bill No. 28, An act relating to licenses and examination of domestic insurance companies.

House Bill No. 127, An act relating to taxation of foreign insurance companies.

Having considered the same, reported the same without amendment and recommended their passage.

The reports were accepted, recommendations of the committee adopted and the bills ordered to a third reading this afternoon at two o'clock.

On motion of Senator Avery the rules were suspended to introduce a committee report not previously advertised in the journal.

Senator Avery for the Committee on Revision of Laws to whom was referred,

House Bill No. 314, An act in relation to timber salvage.

Having considered the same, reported the same without amendment and recommended its adoption.

The report was accepted, recommendation of the committee adopted and the bill ordered to a third reading this afternoon at two o'clock.

On motion of Senator Avery the rules were suspended and all business in order for this afternoon at two o'clock was made in order at the present time.

### Third Readings

The following entitled bills were read a third time and passed.

House Bill No. 118, An act relating to legal holidays.

House Bill No. 160, An act to change the name of Crystal Lake to Canaan Street Lake.

House Bill No. 127, An act relating to taxation of foreign insurance companies.

House Bill No. 28, An act relating to licenses and examination of domestic insurance companies.

House Bill No. 314, An act in relation to timber salvage.

On motion of Senator James the following resolution was adopted.

*Resolved*, That when the Senate adjourns this morning, it adjourn to meet tomorrow morning at 9:00

o'clock, and when it adjourns Friday morning, it be to meet Monday evening at 6:00 o'clock.

On motion of Senator Marcoux the Senate adjourned.

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FRIDAY, MARCH 3, 1939.

The Senate met according to adjournment.

The President presiding.

There being manifestly no quorum present, the President declared the Senate adjourned.

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MONDAY, MARCH 6, 1939.

The Senate met accordingly to adjournment.

The President presiding.

There being manifestly no quorum present, the President declared the Senate adjourned.

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TUESDAY, MARCH 7, 1939.

The Senate met according to adjournment.

#### House Message

The following message was received from the House of Representatives by its Clerk:

*Mr. President:*

The House of Representatives has passed the following entitled bills in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 248, An act relating to fishing in Big Brook in Pittsburg.

House Bill No. 33, An act relating to the practice of dentistry.

House Bill No. 82, An act making sundry changes in the sale of securities law.

House Bill No. 186, An act relating to school busses.

House Bill No. 247, An act relating to the taking of brook trout in the Connecticut river and Perry stream.

House Bill No. 256, An act relating to bait and fly fishing in Ledge pond in Madison.

House Bill No. 337, An act authorizing the city of Franklin to issue refunding notes and bonds.

The message further stated that the House of Representatives had voted to concur with the Honorable Senate in its adoption of the amendments offered by the Committee on Engrossed Bills to the following entitled bills:

House Bill No. 114, An act relating to non-resident fur dealers.

House Bill No. 137, An act relating to tax collectors' bonds.

The message further stated that the House of Representatives had voted to concur with the Honorable Senate in the passage of the following entitled bills sent down from the Honorable Senate:

Senate Bill No. 19, An act relating to pharmacists' equipment.

Senate Bill No. 20, An act relating to the payment of county taxes.

### **Read and Referred**

The following entitled bills sent up from the House of Representatives were read a first and second time and referred,

To the Committee on Judiciary,

House Bill No. 82, An act making sundry changes in the sale of securities law.

House Bill No. 337, An act authorizing the city of Franklin to issue refunding notes and bonds.

To the Committee on Public Health,

House Bill No. 33, An act relating to the practice of dentistry.

To the Committee on Fisheries and Game,

House Bill No. 248, An act relating to fishing in Big Brook in Pittsburg.

House Bill No. 247, An act relating to the taking of brook trout in the Connecticut River.

House Bill No. 256, An act relating to bait and fly fishing in Ledge pond in Madison.

To the Committee on Revision of Laws,

House Bill No. 186, An act relating to school-busses.

### Introduction of Bills

Senator Fairbanks, under a suspension of the rules, sixteen Senators having actually voted in favor thereof, introduced the following entitled bill which was read a first and second time, laid upon the table to be printed and referred to the Committee on Judiciary.

Senate Bill No. 29, An act regulating the sale, transfer and possession of pistols, prescribing penalties and rules of evidence and arrest and to make uniform the law with reference thereto.

### Special Order

Senator Butler called for the special order.

Senate Bill No. 9, An act relating to the State Liquor Commission.

Reported from the committee with the resolution that it is inexpedient to legislate.

A minority of the committee reported that the bill ought to pass.

The question being Shall the report of the minority be substituted for that of the majority?

(Discussion ensued)

Senator James demanded a roll call.

The Clerk proceeded to call the roll.

The following Senators voted in the affirmative: Senators James, Noel, Mahoney, O'Malley, Brouillette, and Dale.

The following Senators voted in the negative: Senators Lazure, Finley, Mitchell, Smart, Bryant, Page, Munroe, Fairbanks, Butler, Spaulding, Weston, Avery, Bond, Marcoux, Chesley, Cole and Estabrook.

Six Senators having voted in the affirmative and seventeen in the negative, the negative prevailed and the motion to substitute was lost.

The question being stated,

Shall the recommendation of the committee inexpedient to legislate be adopted?

On a *viva voce* vote the affirmative prevailed.

### Bills Engrossed

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled bills and joint resolutions:

House Bill No. 91, An act closing Wash pond in Hampstead to ice fishing.

House Bill No. 108, An act relative to permanent improvement and additional facilities at the tramway.

House Bill No. 136, An act relating to report to register of deeds of sale of real estate for taxes.

House Joint Resolution No. 22, Joint resolution appropriating funds for the publication of war-time military records.

House Joint Resolution No. 37, Joint resolution in favor of Mount Washington Observatory.



House Joint Resolution No. 40, Joint resolution in favor of Mount Washington Observatory.

### Committee Reports

Senator Lazure for the Committee on Engrossed Bills to whom was referred,

House Bill No. 5, An act relating to warning town meetings.

Having considered the same, reported the same under Joint Rule No. 6, with the following amendments and recommended that the bill as amended ought to pass.

Amend section 1 of said bill by striking out the words, "if in his judgment the neglect or refusal of the selectmen was unreasonable" and by inserting after the word "meeting" in the eleventh line the words, or order the insertion of an article in the warrant.

Further amend section 1 of said bill by striking out the word "the" in the twenty-second line and inserting in place thereof the word, a.

The report was accepted, amendments adopted and the bill as amended sent to the House of Representatives for concurrence in the Senate amendment.

Senator Lazure for the Committee on Engrossed Bills to whom was referred,

House Bill No. 28, An act relating to licenses and examinations of domestic insurance companies.

Having considered the same, reported the same under Joint Rule No. 6, with the following amendment and recommend that the bill as amended ought to pass.

Amend section 4 of said bill by inserting after the word "Laws" the words, relative to examination of domestic life insurance companies.

The report was accepted, amendment adopted and the bill as amended sent to the House of Representatives for concurrence in the Senate amendment.

Senator Lazure for the Committee on Engrossed Bills to whom was referred,

House Bill No. 118, An act relating to legal holidays.

Having considered the same, reported the same under Joint Rule No. 6, with the following amendment and recommended that the bill as amended ought to pass.

Amend the title of said bill by striking out the same and inserting in place thereof the following: An act establishing General John Stark Day.

The report was accepted, amendment adopted and the bill as amended sent to the House of Representatives for concurrence in the Senate amendment.

Senator Lazure for the Committee on Engrossed Bills to whom was referred,

House Bill No. 127, An act relating to taxation of foreign insurance companies.

Having considered the same, reported the same under Joint Rule No. 6, with the following amendment and recommended that the bill as amended ought to pass.

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1. *Foreign Insurance Companies.* Amend section 59 of chapter 275 of the Public Laws, as amended by chapter 103 of the Laws of 1929, by striking out said section and inserting in place thereof the following: 59. *Tax, Fire Insurance, etc.* Every such fire, marine, fidelity and casualty insurance company shall pay to the state treasurer, within one month after receiving notice from the commissioner of the amount thereof, a tax of two per cent upon all gross direct premiums written, less return premiums, upon property or risks located or persons resident in this state, during the year ending on the preceding December thirty-first, as assessed by the commissioner, and a further deduction

in the case of all mutual fire, casualty, fidelity and boiler insurance companies, taxable under the provisions of this section, of the amount of all unabsorbed premium deposits actually returned or credited to policyholders upon business in this state during the year for which the tax is determined.

The report was accepted, amendment adopted and the bill as amended sent to the House of Representatives for concurrence in the Senate amendment.

Senator Lazure for the Committee on Engrossed Bills, to whom was referred House Bill No. 252, An act relating to the salary of the justice of the municipal court of Milford, having considered the same, reported the same under joint rule No. 6, with the following amendment and recommended that the bill as amended ought to pass.

Amend section 1 of said bill by inserting after the figures "1933" the following, and chapter 87 of the Laws of 1935, by striking out the word "section" and inserting in place thereof the word, paragraph, by striking out the following words; "provided that until February 1, 1935, the said salary shall be one thousand six hundred and twenty dollars only" and by striking out the word "four" after the word "Franklin" and inserting in place thereof the word, six.

The report was accepted, amendment adopted and the bill as amended sent to the House of Representatives for concurrence in the Senate amendment.

Senator Lazure for the Committee on Engrossed Bills, to whom was referred House Bill No. 314, An act in relation to timber salvage, having considered the same, reported the same under Joint Rule No. 6, with the following amendment and recommend that the bill as amended ought to pass.

Amend section 1 of said bill by inserting at the end thereof the words: The provisions of this paragraph

shall be in effect until January 1, 1945. Amend section 2 of said bill by striking out the words "foregoing paragraphs" and inserting in place thereof the words and figures, provisions of paragraph XXIX of section 4 of chapter 42 of the Public Laws.

Further amend said bill by striking out section 3 and renumbering section 4 to read section 3.

The report was accepted, amendment adopted and the bill as amended sent to the House of Representatives for concurrence in the Senate amendment.

### Recess

The Senate re-assembled.

### Committee of Conference Report

The Committee of Conference to whom was referred House Bill No. 9, An act relating to horse racing and creating a state racing commission, recommend that the Senate recede from its position in adopting its amendments to said bill; that the House of Representatives recede from its position in concurring with the amendments to section 1 and the insertion of a new section 3 of said bill, as proposed by the Senate, and recede from its position of non-concurrence with the amendment to section 2 of the bill as proposed by the Senate and further recommend that the Senate and House of Representatives adopt the following amendments:

Amend said House Bill No. 9 by striking out all after the enacting clause and inserting in place thereof the following:

1. *Pari Mutuel Pools.* Amend section 14, chapter 27, Laws of 1935, by striking out the said section and inserting in place thereof the following: 14. *Pari Mutuel Pools.* Within the enclosure of any race track where is held a race or race meet licensed and con-

ducted under this act, but not elsewhere, the sale of pari mutuel pools by the licensee under such regulations as may be prescribed by said commission is hereby permitted and authorized during the calendar years 1939 to 1942, inclusive. Commissions on such pools shall in no event and at no track exceed eleven per cent (11%) of each dollar wagered, plus the odd cents of all redistribution to be based on each dollar wagered exceeding a sum equal to the next lowest multiple of ten, known as "breakage" one half of which "breakage" shall be retained by the licensee and the balance shall be paid to the state treasurer for the use of the state in accordance with the provisions of section 2 of chapter 27 of the Laws of 1935. Said maximum shall include the four and one half per cent tax hereinafter prescribed.

2. *Pari Mutuel Pools.* Amend section 15 of said chapter 27 by striking out said section and inserting in place thereof the following: 15. *Tax.* Each person, association or corporation licensed to conduct a rare or race meet under this act shall pay to the state treasurer a sum equal to four and one half per cent of the total contributions to all pari mutuel pools conducted or made at any race or race meet licensed under this act. Of the amount so paid to the state treasurer a sum equal to four and one-quarter per cent of said total contributions shall be distributed in accordance with the provisions of section 2 of chapter 27 of the Laws of 1935, and a sum equal to one-quarter of one per cent of said total contributions shall be expended for the promotion of agriculture in the state under the direction of the commissioner of agriculture. Each person, association or corporation licensed to conduct a race or race meet under this act shall also pay to the city or town treasurer in which the racing plant is located the sum of two hundred and fifty dollars for



each day of racing provided said person, association or corporation has a license to conduct races or race meets for more than eight days during the year for which the license is issued. If said person, association or corporation has a license to conduct races or race meets for less than eight days during the year for which the license is issued, the per diem fee to be paid to the city or town treasurer shall be determined by the commission.

3. *Prohibition.* Amend said chapter 27 by inserting after section 21 the following new section: 21-a. *Prohibition.* No person, association or corporation conducting a racing plant under the provisions of this act, nor the commission, shall employ at said racing plant, during the time in which the general court is in session, any person who is a member of said general court.

4. *Distribution of Tax.* Amend said chapter 27 by inserting after section 16 the following new section: 16-a. *Agricultural Fairs.* The portion of the tax on pari mutuel pools to be distributed for the promotion of agriculture, as provided in section 15, shall be distributed by the commissioner of agriculture in accordance with the following plan to all agricultural fairs incorporated under the laws of New Hampshire holding yearly exhibitions and paying premiums of five hundred dollars or more annually. Each year a payment of one hundred dollars shall be paid to all such agricultural fairs. The balance of said fund shall be divided prorata to said fairs based on the amount of competitive or educational agricultural premiums paid the preceding calendar year by said fair. In determining the premiums paid the commissioner shall take into consideration premiums paid for contests, exhibits or displays of domestic livestock, household products, farm crops and those made by 4-H clubs or



other similar groups. The commissioner of agriculture shall make such rules and regulations relative to reports as to premiums as may be necessary to enable him to determine the prorata distribution to be made of the sums hereinbefore provided.

5. *Takes Effect.* This act shall take effect upon its passage.

ALDEGE A. NOEL,  
CURTIS H. PAGE,

*Conferees on the part of the Senate.*

CHESTER E. MERROW,  
CHARLES H. BARNARD,  
WILLIAM J. BOOTH,

*Conferees on the part of the  
House of Representatives.*

The report was accepted.

On motion of Senator Noel the Senate voted to adopt the recommendations of the Committee.

On motion of Senator Smart the rules were suspended and all business in order for this afternoon was made in order at the present time.

On motion of Senator Mahoney the Senate adjourned.

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WEDNESDAY, MARCH 8, 1939.

The Senate met according to adjournment.

### Leave of Absence

Senator James was granted leave of absence for the day on account of illness.

### House Message

The following message was received from the House of Representatives by its Clerk:

*Mr. President:*

The House of Representatives has passed the following entitled bills in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 27, An act relating to foreign casualty insurance companies.

House Bill No. 38, An act relating to cancellation of accident and health insurance policies.

House Bill No. 175, An act relating to the taking of white perch.

House Bill No. 248, An act to close Inlet brook tributary to Back lake in Pittsburg.

House Bill No. 258, An act to regulate the season for taking brook trout from Back lake in Pittsburg.

House Bill No. 278, An act relating to forms of policies issued by foreign insurance companies.

The message further stated that the House of Representatives has voted to adopt the report of the Committee on Conference to House Bill No. 9, An act relating to horse racing and creating a state racing commission.

The message further stated that the House of Representatives has voted to concur with the Honorable Senate in its adoption of the amendments offered by the Committee on Engrossed Bills to the following entitled bills and joint resolutions:

House Bill No. 5, An act relating to warning town meetings.

House Bill No. 28, An act relating to licenses and examinations of domestic insurance companies.

House Bill No. 118, An act establishing Gen. John Stark Day.

House Bill No. 127, An act relating to taxation of foreign insurance companies.

House Bill No. 252, An act relating to the salary of the Justice of the Municipal Court of Milford.

House Bill No. 314, An act in relation to timber salvage.

The message further stated that the House of Representatives has voted to adopt the amendments offered by the Committee on Engrossed Bills, to the following Senate Bill, in the adoption of which amendments the House of Representatives asks the concurrence of the Honorable Senate:

Senate Bill No. 15, An act relating to solicitor's permits.

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1. *Alcoholic Beverages.* Amend section 12 of chapter 99 of the Laws of 1933 by striking out said section and inserting in place thereof the following: 12. *Solicitor's Permit; Exception.* Solicitor's permits shall authorize the permittee within the State of New Hampshire to offer for sale or solicit orders for the sale of, within the State of New Hampshire, any beverage if the vendor of such beverage is the holder of a manufacturer's or wholesaler's permit issued under this act. Solicitor's permits shall not be issued without the recommendation of the vendor whom the solicitor represents. Provided, further, that any salaried office employee of a vendor who holds a manufacturer's or wholesaler's permit issued under this act may, with the approval of the state liquor commission, be authorized to offer for sale, or solicit orders for the sale of, within the state, any beverage sold by such vendor without a solicitor's permit.

On motion of Senator Noel, the Senate voted to concur in the amendment sent up from the House of Representatives.

### Read and Referred

The following entitled bills sent up from the House of Representatives were read a first and second time and referred,

To the Committee on Insurance,

House Bill No. 27, An act relating to foreign casualty insurance companies.

House Bill No. 38, An act relating to cancellation of accident and health insurance companies.

House Bill No. 278, An act relating to forms of policies issued by foreign insurance companies.

To the Committee on Fisheries and Game,

House Bill No. 175, An act relating to the taking of white perch.

House Bill No. 248, An act to close Inlet brook tributary to Back lake in Pittsburg.

House Bill No. 258, An act to regulate the season for taking brook trout from Back lake in Pittsburg.

### Committee Reports

Senator Avery for the Committee on Revision of Laws, to whom were referred

House Bill No. 48, An act to amend the charter of Coe's Northwood Academy.

House Bill No. 132, An act relating to distraint.

House Bill No. 133, An act regarding tax liens on real estate.

House Bill No. 135, An act relating to abatement, Having considered the same, reported the same without amendment and recommended their passage.

The reports were accepted, recommendations of the committee adopted, and the bills ordered to a third reading this afternoon at two o'clock.

Senator Lazure for the Committee on Judiciary, to whom were referred,

House Bill No. 138, An act relating to assessment.

House Bill No. 139, An act relative to the payment of poll taxes.

House Bill No. 188, An act relating to land used for school purposes in the town of Newfields,

Having considered the same, reported the same without amendment and recommended their passage.

The reports were accepted, recommendations of the committee adopted and the bills ordered to a third reading this afternoon at two o'clock.

Senator Lazure for the Committee on Banks, to whom was referred House Bill No. 148, An act relating to building and loan associations, having considered the same, reported the same without amendment and recommended its passage.

The report was accepted, recommendation of the committee adopted and the bill ordered to a third reading this afternoon at two o'clock.

### Majority and Minority Report

A majority of the Committee on Liquor Laws, to whom was referred House Bill No. 85, An act relating to the sale of beverages on election days, having considered the same, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

WILLIAM WESTON,  
FRANK J. BRYANT,  
CHARLES F. BUTLER,

*For a Majority of the Committee.*

A minority of the Committee on Liquor Laws, to whom was referred House Bill No. 85, An act relating to the sale of beverages on election days, having con-

sidered the same, reported the same without amendment and recommended its passage.

STANLEY JAMES,  
DENIS MAHONEY,

*For a Minority of the Committee.*

The report of the majority was accepted.

Senator Mahoney moved that the report of the minority, ought to pass, be substituted for that of the majority, inexpedient to legislate, and with that motion pending it be made a special order for Wednesday, March 15th at 11:01 a. m.

On a *viva voce* vote the motion prevailed.

### Introduction of Bills

Senator Fairbanks, under a suspension of the rules, sixteen Senators having actually voted in favor thereof, introduced the following entitled joint resolution, which was read a first and second time, laid upon the table to be printed and referred to the Committee on Military Affairs.

Senate Joint Resolution No. 3, Joint resolution concerning a national patriotic revival plan.

Senator Chesley, under a suspension of the rules, sixteen Senators having actually voted in favor thereof, introduced the following entitled bill, which was read a first and second time, laid upon the table to be printed and referred to the Committee on Public Health.

Senate Bill No. 30, An act relative to the qualifications for applicants for examinations for the practice of medicine.

Senator Mahoney, under a suspension of the rules, sixteen Senators having actually voted in favor thereof, introduced the following entitled bills which were read a first and second time, laid upon the table to be printed and referred to the Committee on Judiciary.



Senate Bill No. 31, An act relating to contracts and orders for public printing.

Senate Bill No. 33, An act relative to brakes for motor vehicle trailers and semi-trailers.

Senate Bill No. 35, An act relative to the operation of motor vehicles.

Senate Bill No. 37, An act relative to minimum fee for agricultural purposes only.

Senate Bill No. 39, An act relative to conduct after a motor vehicle accident.

Senate Bill No. 41, An act relative to licenses to operate motor vehicles to persons over seventy years of age.

Senate Bill No. 43, An act relating to the registration of certain motor vehicles.

To the Committee on Revision of Laws,

Senate Bill No. 32, An act relative to the attachment of number plates on motor vehicles.

Senate Bill No. 34, An act relative to reports to be made by courts to the motor vehicle department.

Senate Bill No. 36, An act relative to the registration fee of non-resident circus motor vehicles.

Senate Bill No. 38, An act relative to the height of motor vehicles.

Senate Bill No. 40, An act relative to the suspension of motor vehicle licenses.

Senate Bill No. 42, An act relative to operation of motor tractors by unlicensed operators.

Senate Bill No. 44, An act relative to the inspection of motor vehicles.

### **Bills Engrossed**

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled bills:

House Bill No. 5, An act relating to warning town meetings.

House Bill No. 118, An act establishing General John Stark day.

House Bill No. 252, An act relating to the salary of the justice of the municipal court of Milford.

House Bill No. 9, An act relating to horse racing and creating a state racing commission.

House Bill No. 28, An act relating to licenses and examinations of domestic insurance companies.

House Bill No. 127, An act relating to taxation of foreign insurance companies.

House Bill No. 160, An act to change the name of Crystal lake to Canaan street lake.

House Bill No. 314, An act in relation to timber salvage.

OLIVER H. MUNROE,  
*For the Committee.*

### House Message

The following message was received from the House of Representatives by its Clerk:

*Mr. President:*

The House of Representatives has passed the following entitled bill in the passage or which it asks the concurrence of the Honorable Senate:

House Bill No. 353, An act relating to school privileges in the town of Lisbon.

The message further stated that the House of Representatives has passed the following concurrent resolution in the passage of which it asks the concurrence of the Honorable Senate:

### Concurrent Resolution

Enlarging the scope of the State Library Joint Committee.

*Resolved by the Senate and House of Representatives in General Court convened:*

That Joint Rule No. 7 be amended by striking out the whole of said rule and inserting in its place the following: 7. There shall be a committee, to consist of three members of the House and one of the Senate, on each of the following subjects, to wit: On all matters relative to the State Library and the Public Library Commission. There shall be a committee to consist of eight members of the House and five of the Senate to consider all matters relative to the State House, State House Annex and State House Yards.

On motion of Senator Weston, the concurrent resolution was referred to the Committee on Revision of Laws.

### Read and Referred

The following entitled bill sent up from the House of Representatives was read a first and second time and referred to the Committee on Judiciary.

House Bill No. 353, An act relating to school privileges in the town of Lisbon.

On motion of Senator Smart the rules were suspended and all business in order for this afternoon at two o'clock was made in order at the present time.

### Third Readings

The following entitled bills were read a third time and passed.

House Bill No. 48, An act to amend the charter of Coe's Northwood Academy.

House Bill No. 132, An act relating to distraint.

House Bill No. 133, An act regarding tax liens on real estate.

House Bill No. 135, An act relating to abatement.

House Bill No. 138, An act relating to assessment.

House Bill No. 139, An act relative to the payment of poll taxes.

House Bill No. 188, An act relating to land used for school purposes in the town of Newfields.

House Bill No. 148, An act relating to building and loan associations.

On motion of Senator Noel the Senate adjourned.

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THURSDAY, MARCH 9, 1939.

The Senate met according to adjournment.

### House Message

The following message was received from the House of Representatives by its Clerk:

*Mr. President:*

The House of Representatives has passed the following entitled bills in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 340, An act closing Miller and Stocker ponds in the town of Grantham to ice fishing.

House Bill No. 165, An act relating to the construction of sidewalks in the city of Nashua.

House Bill No. 353, An act relating to the school privileges in the town of Lisbon.

House Bill No. 259, An act relating to the power of the Superior Court.

House Bill No. 228, An act relating to the control of navigation at Hampton Harbor, the Inlet, so called, and the Hampton river.

The message further stated that the House of Representatives refused to concur with the Honorable Senate in the passage of the following entitled bill sent down from the Honorable Senate:

Senate Bill No. 10, An act changing the name of Long Pond to Lake Winnetaucook in the town of Croydon.

### Read and Referred

The following entitled bills sent up from the House of Representatives were read a first and second time and referred,

To the Committee on Fisheries and Game,

House Bill No. 340, An act closing Miller and Stocker ponds in the town of Grantham to ice fishing.

To the Committee on Revision of Laws,

House Bill No. 165, An act relating to the construction of sidewalks in the city of Nashua.

House Bill No. 259, An act relating to the power of the Superior Court.

To the Committee on Judiciary,

House Bill No. 353, An act relating to the school privileges in the town of Lisbon.

To the Committee on Coastwise Improvements,

House Bill No. 228, An act relating to the control of navigation at Hampton harbor, the Inlet, so called, and the Hampton river.

### Committee Reports

Senator Lazure for the Committee on Judiciary, to whom were referred House Bill No. 82, An act making sundry changes in the sale of securities law.

House Bill No. 96, An act relative to legal holidays.

House Bill No. 255, An act providing for an extension of the act relative to the issuance with state guarantee of emergency notes and bonds by towns, cities and counties.

House Bill No. 337, An act authorizing the city of Franklin to issue refunding notes and bonds.

House Bill No. 352, An act relative to the issue of notes by the County of Merrimack.

Having considered the same, reported the same without amendment and recommended their passage.

The reports were accepted, recommendations of the committee adopted and the bills ordered to a third reading this afternoon at two o'clock.

Senator Lazure for the Committee on Judiciary, to whom was referred Senate Bill No. 12, An act providing for a second assistant attorney-general.

Having considered the same, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and recommendation of the committee adopted.

Senator Bond for the Committee on Insurance, to whom were referred House Bill No. 26, An act relating to documents in the office of the Insurance Commissioner.

House Bill No. 30, An act relating to incorporation of insurance companies.

House Bill No. 277, An act relating to advertising in so-called tourist guides.

Having considered the same, reported the same without amendment and recommended their passage.

The reports were accepted, recommendations of the committee adopted and the bills ordered to a third reading this afternoon at two o'clock.

Senator Munroe for the Committee on Fisheries and Game to whom were referred House Bill No. 45, An act relative to the establishment of a fish and game refuge on property of St. Paul's School.

House Bill No. 43, An act relating to the closing of fishing of Umbagog lake.

House Bill No. 47, An act relating to smelt fishing.

House Bill No. 280, An act to regulate the taking of brook trout in Trio ponds in Odell.

Having considered the same, reported the same without amendment and recommended their passage.



The reports were accepted, recommendations of the committee adopted and the bills ordered to a third reading this afternoon at two o'clock.

On motion of Senator Mitchell the rules were suspended to introduce two committee reports not previously advertised in the Journal.

Senator Lazure for the Committee on Judiciary, to whom was referred:

House Bill No. 353, An act relating to school privileges in the town of Lisbon.

House Bill No. 152, An act authorizing the town of Belmont to issue refunding notes and bonds,

Having considered the same, reported the same without amendment and recommended their passage.

The reports was accepted, recommendations of the committee adopted and the bills ordered to a third reading this afternoon at two o'clock.

On motion of Senator Weston the rules were suspended to introduce a committee report not previously advertised in the Journal.

Senator Mahoney, for the Committee on Liquor Laws, to whom was referred Senate Bill No. 8, An act providing for the payment by wholesale permittees of certain fees for the sale of certain alcoholic beverages.

Having considered the same, reported the same with the following amendments and recommended its passage.

Amend section 2 of the bill by striking out the words "per annum" in the fourteenth line; so that said section as amended shall read as follows:

2. *Wholesaler's Permit.* Amend section 21-a of chapter 99 of the Laws of 1933, as inserted by chapter 149 of the Laws of 1935, by striking out said section and inserting in place thereof the following: 21-a. *Additional Fees.* In addition to the fees provided for in section 21 the following additional fees

shall be required for permits issued to wholesalers: For each wholesaler's permit three dollars for every barrel of beverages containing not more than thirty-one gallons or the equivalent thereof sold for resale by the permittee during the preceding calendar month, to be paid to the commission on or before the tenth day of the following month. For the purpose of computing the fee payable under the provisions hereof all sales at retail by a wholesale permittee holding an off-sale permit shall be deemed to be sales for resale. Any wholesale permittee may collect from on-sale and off-sale permittees to whom he makes sales of beverages the fees required under the preceding provisions hereof. For failure to pay any part of the fees provided for herein ten per cent thereof shall be added and collected by the commission from the wholesaler and shall become part of said permit fee.

Amend section 3 of said bill by striking out the words "in the case of a wholesaler" in the sixth line; so that said section as amended shall read as follows:

3. *Requirements.* Amend section 25 of said chapter 99 by striking out said section and inserting in place thereof the following: 25. *Reports.* Each manufacturer and wholesaler of beverages within the state of New Hampshire shall, on or before the tenth day of each month, furnish to the commission, on a form to be prescribed by the commission, a statement under oath showing the quantity of beverages sold for resale and the quantity of beverages sold under an off-sale permit, during the preceding calendar month, within the state.

Further amend said bill by inserting after section 3 the following new section:

4. *Manufacturer's Permit.* Amend said chapter 99 by inserting after section 21-a the following new

section: 22. *Manufacturer's Fees.* In addition to the fees provided for in section 21 the following additional fees shall be required for permits issued to any manufacturer holding an off-sale permit: For each manufacturer's permit three dollars for every barrel of beverages containing not more than 31 gallons or the equivalent thereof sold by said permittee at retail, and not to other permittees for resale, during the preceding calendar month, to be paid to the commission on or before the tenth day of the following month. For failure to pay any part of the fees provided for herein ten per cent thereof shall be added and collected by the commission from the manufacturer and shall become part of said permit fee.

Amend section 4 of said bill by renumbering and by adding after the word "wholesalers" in the eighth line the words, and manufacturers; so that said section as amended shall read as follows:

5. *Disposition of Revenue.* Amend section 36 of said chapter 99 by striking out said section and inserting in place thereof the following: 36. *Income.* All income received from the provisions of this act shall be paid by the treasurer of the commission to the state treasurer. The expense of administration and other expenditures provided for by this act shall be paid by the state treasurer on warrants of the governor with the advice and consent of the council. The balance of said revenue shall be covered into the special fund constituted by chapter 126 of the Laws of 1931, provided that such part of the revenue as accrues from the permit fees paid by wholesalers and manufacturers, computed at two dollars per barrel of beverages sold, shall be payable to the general funds of the State.

Further amend said bill by renumbering sections 5, 6, 7 and 8 to read sections 6, 7, 8 and 9.

The report was accepted, amendments adopted and the bill as amended ordered to a third reading this afternoon at two o'clock.

Senator Lazure, for the Committee on Engrossed Bills, to whom was referred House Bill No. 168, An act legalizing the action of the Bethlehem Village district annual meeting.

Having considered the same, reported the same under Joint Rule No. 6, with the following amendments and recommended that the bill as amended ought to pass.

Amend section 2 of said bill by striking out the same and inserting in place thereof the following:

2. *Transfer of Powers and Duties.* All powers and duties now conferred upon the board of water commissioners for the Bethlehem Village Precinct by chapter 154 of the Laws of 1905 are hereby transferred to the commissioners of the Bethlehem Village District constituted under chapter 295 of the Laws of 1925.

Amend section 3 of said bill by striking out the same and inserting in place thereof the following:

3. *Repeal; Takes Effect.* Sections 1, 2 and 3 of chapter 154 of the Laws of 1905, relative to the establishment of a board of water commissioners, are hereby repealed and this act shall take effect upon its passage.

Amend the title of said bill by adding at the end thereof the following:

and transferring certain powers from the board of water commissioners to the village commissioners of said district.

The report was accepted, amendments adopted and the bill as amended sent to the House of Representatives for concurrence in the Senate amendments.

On motion of Senator Dale, the Senate voted to concur in the concurrent resolution enlarging the scope of the State Library Joint Committee sent up from the House of Representatives.

### House Message

The following message was received from the House of Representatives by its Clerk:

*Mr. President:*

The House of Representatives has passed the following entitled bill in the passage of which it asks the concurrence of the Honorable Senate.

House Bill No. 326, An act relating to town appropriations.

### Read and Referred

The following entitled bill sent up from the House of Representatives was read a first and second time and referred to the Committee on Revision of Laws.

House Bill No. 326, An act relating to town appropriations.

On motion of Senator Dale the rules were suspended, reference to committee dispensed with and the foregoing entitled bill was read a third time and passed.

On motion of Senator Smart the rules were suspended and all business in order for this afternoon at two o'clock was made in order at the present time.

### Third Readings

The following entitled bills were read a third time and passed.

House Bill No. 82, An act making sundry changes in the sale of securities law.

House Bill No. 96, An act relative to legal holidays.

House Bill No. 255, An act providing for an extension of the act relative to the issuance with state

guarantee of emergency notes and bonds by towns, cities and counties.

House Bill No. 337, An act authorizing the city of Franklin to issue refunding notes and bonds.

House Bill No. 352, An act relative to the issue of notes by the county of Merrimack.

House Bill No. 26, An act relative to documents in the office of the Insurance Commissioner.

House Bill No. 30, An act relating to incorporation of insurance companies.

House Bill No. 277, An act relating to advertising in so-called tourist guides.

House Bill No. 43, An act relating to the closing to fishing of Umbagog lake.

House Bill No. 45, An act relative to the establishment of a fish and game refuge on property of St. Paul's School.

House Bill No. 47, An act relating to smelt fishing.

House Bill No. 280, An act to regulate the taking of brook trout in Trio ponds in Odell.

House Bill No. 353, An act relating to school privileges in the town of Lisbon.

House Bill No. 152, An act authorizing the town of Belmont to issue refunding notes or bonds.

Senate Bill No. 8, An act providing for the payment by wholesale permittees of certain fees for the sale of certain alcoholic beverages.

On motion of Senator Bryant the following resolution was adopted.

*Resolved*, That Tuesday, March 14th, being Town Meeting day, the regular sessions of the Senate be dispensed with.

On motion of Senator Brouillette the following resolution was adopted.

*Resolved*, That when the Senate adjourns this morning, it adjourn to meet tomorrow morning at



9:00 o'clock, and when it adjourns Friday morning, it be to meet Monday evening at 6:00 o'clock, and when it adjourns Monday evening it be to meet Wednesday morning at 11:00 o'clock.

### Recess

The Senate re-assembled.

### Committee Report

Senator Lazure for the Committee on Engrossed Bills to whom was referred House Bill No. 326, An act relative to town appropriations.

Having considered the same, reported the same under joint rule No. 6 with the following amendment and recommended that the bill as amended ought to pass.

Amend section 1 of said bill by striking out the first four lines and inserting in place thereof the following:

1. *Town Appropriations.* Amend section 4 of chapter 42 of the Public Laws by inserting after paragraph XXIX, as inserted by an act approved March 9, 1939, the following new paragraph: XXX.

The report was accepted, amendment adopted and the bill as amended sent to the House of Representatives for concurrence in the Senate amendment.

### House Message

The following message was received from the House of Representatives by its Clerk:

*Mr. President:*

The House of Representatives has voted to concur with the Honorable Senate in its adoption of the amendments offered by the Committee on Engrossed Bills to the following entitled bills:

House Bill No. 168, An act legalizing the action of the Bethlehem Village District annual meeting.

House Bill No. 326, An act relating to town appropriations.

### Bills Engrossed

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled bills:

House Bill No. 168, An act legalizing the action taken by the Bethlehem Village District annual meeting and transferring certain powers from the Board of Water Commissioners to the Village Commissioners of said District.

House Bill No. 353, An act relating to school privileges in the town of Lisbon.

ALBERT C. LAZURE,  
*For the Committee.*

On motion of Senator Esterbrook the Senate adjourned.

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FRIDAY, MARCH 10, 1939.

The Senate met according to adjournment.

The President presiding.

There being manifestly no quorum present, the President declared the Senate adjourned.

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MONDAY, MARCH 13, 1939.

The Senate met according to adjournment.

The President presiding.

There being manifestly no quorum present, the President declared the Senate adjourned.

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WEDNESDAY, MARCH 15, 1939.

The Senate met according to adjournment.

### Leave of Absence

Senator Fairbanks was granted leave of absence for the day on account of important business.

### House Message

The following message was received from the House of Representatives by its Clerk:

*Mr. President:*

The House of Representatives has passed the following entitled bills in the passage of which it asks the concurrence of the Honorable Senate.

House Bill No. 74, An act relating to "actions against tenants."

House Bill No. 134, An act relating to the payment of poll taxes of married women.

House Bill No. 328, An act relating to ice cream and sherbets.

### Read and Referred

The following entitled bills sent up from the House of Representatives were read a first and second time and referred,

To the Committee on Revision of Laws,

House Bill No. 74, An act relating to "actions against tenants."

House Bill No. 134, An act relating to the payment of poll taxes of married women.

To the Committee on Public Health,

House Bill No. 328, An act relating to ice cream and sherbets.

### Committee Reports

Senator Noel for the Committee on Public Health to whom were referred,

House Bill No. 33, An act relating to the practice of dentistry.

House Bill No. 206, An act relative to the publication of vital statistics in town reports.

Having considered the same, reported the same without amendment and recommended their passage.

The reports were accepted, recommendations of the committee adopted and the bills ordered to a third reading this afternoon at two o'clock.

Senator Lazure for the Committee on Engrossed Bills to whom was referred,

House Bill No. 43, An act relating to the closing to fishing of Umbagog Lake.

Having considered the same, reported the same under Joint Rule No. 6, with the following amendments and recommended that the bill as amended ought to pass.

Amend section 1 of said bill by striking out the first five lines thereof and inserting in place thereof the following:

1. *Closed Season.* Amend section 7, chapter 155, Laws of 1935, by inserting after paragraph XI, as inserted by chapter 5 of the Laws of 1939, the following new paragraph: XII.

Amend the title of said bill by inserting at the end thereof the following: the Magalloway river and its tributaries and the Androscoggin river and certain of its tributaries.

The report was accepted, amendments adopted and the bill as amended sent to the House of Representatives for concurrence in the Senate amendments.

Senator Lazure for the Committee on Engrossed Bills to whom was referred,

House Bill No. 132, An act relating to distraint.

Having considered the same, reported the same under Joint Rule No. 6, with the following amendments and recommended that the bill as amended ought to pass.

Amend the title of said bill by adding at the end thereof the words: for collection of property taxes.

Amend section 1 of said bill by striking out the word "sentence" in the second line and by inserting after the word "valid" in the second and seventh lines the word, only.

The report was accepted, amendments adopted and the bill as amended sent to the House of Representatives for concurrence in the Senate amendments.

Senator Lazure for the Committee on Engrossed Bills to whom was referred,

House Bill No. 138, An act relating to assessment.

Having considered the same, reported the same under Joint Rule No. 6, with the following amendment and recommended that the bill as amended ought to pass.

Amend the title of said bill by adding at the end thereof the words, of taxes.

The report was accepted, amendment adopted and the bill as amended sent to the House of Representatives for concurrence in the Senate amendment.

Senator Lazure for the Committee on Engrossed Bills to whom was referred,

House Bill No. 188, An act relating to land used for school purposes in the town of Newfields.

Having considered the same, reported the same under Joint Rule No. 6, with the following amendment and recommended that the bill as amended ought to pass.

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1. *Repeal.* Chapter 214 of the Laws of 1889, relative to the bounds of the school district of the town of Newfields, formerly South Newmarket, is hereby repealed.

The report was accepted, amendment adopted and the bill as amended sent to the House of Representatives for concurrence in the Senate amendment.

Senator Lazure for the Committee on Engrossed Bills to whom was referred,

House Bill No. 255, An act providing for an extension of the act relative to the issuance with state guarantee of emergency notes and bonds by towns, cities and counties.

Having considered the same, reported the same under Joint Rule No. 6, with the following amendment and recommended that the bill as amended ought to pass.

Amend section 1 of said bill by inserting before the word "chapter" in the second line the words and figures: chapter 39, Laws of 1935, and.

The report was accepted, amendment adopted and the bill as amended sent to the House of Representatives for concurrence in the Senate amendment.

Senator Lazure for the Committee on Engrossed Bills to whom was referred,

House Bill No. 337, An act authorizing the city of Franklin to issue refunding notes and bonds.

Having considered the same, reported the same under Joint Rule No. 6, with the following amendments and recommended that the bill as amended ought to pass.

Amend section 1 of said bill by striking out the words "the city of Franklin" in the last line and inserting in place thereof the words, said city.



Amend section 2 of said bill by striking out the words "of Franklin" in the fifth line and by striking out the words, "of the city of Franklin" in the seventh line.

Amend section 4 of said bill by striking out the same and inserting in place thereof the following:

4. *Takes Effect.* This act shall take effect when its provisions shall have been approved by a majority of those present and voting at a regular and any special meeting of said mayor and city council, during the year 1939.

The report was accepted, amendments adopted and the bill as amended sent to the House of Representatives for concurrence in the Senate amendments.

### **Bills Engrossed**

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled bills:

Senate Bill No. 15, An act relating to solicitor's permits.

House Bill No. 26, An act relating to documents in the office of the insurance commissioner.

House Bill No. 30, An act relating to incorporation of insurance companies.

House Bill No. 45, An act relative to the establishment of a game refuge on property of St. Paul's School.

House Bill No. 96, An act relative to legal holidays.

House Bill No. 114, An act relating to non-resident fur dealers.

House Bill No. 133, An act regarding tax liens on real estate.

House Bill No. 137, An act relating to tax collectors' bonds.

House Bill No. 152, An act authorizing the town of Belmont to issue refunding notes or bonds.

House Bill No. 277, An act relating to advertising in so-called tourist guides.

House Bill No. 280, An act to regulate the taking of brook trout in Trio ponds in Odell.

House Bill No. 352, An act relative to the issue of notes by the county of Merrimack.

House Bill No. 326, An act relative to town appropriations.

OLIVER H. MUNROE,  
*For the Committee.*

### **Introduction of Bill**

Senator Mahoney, under a suspension of the rules, sixteen Senators having actually voted in favor thereof, introduced the following entitled bill which was read a first and second time, laid upon the table to be printed and referred to the Committee on Judiciary,

Senate Bill No. 45, An act relative to the sale and use of fireworks.

### **Bills Recalled From the Governor**

On motion of Senator Weston, the following resolution was adopted.

*Resolved*, That His Excellency, the Governor, be requested to return to the Senate for further consideration the following entitled bills:

House Bill No. 139, An act relative to the payment of poll taxes.

House Bill No. 82, An act making sundry changes in the sale of securities law.

### **Bills Returned From the Governor**

Pursuant to the above request, His Excellency returned,

House Bill No. 139, An act relative to the payment of poll taxes.

House Bill No. 82, An act making sundry changes in the sale of securities law.

On motion of the same Senator, the rules were so far suspended as to allow a reconsideration of the vote on the above entitled bills.

On motion of the same Senator, the Senate voted to reconsider the vote whereby the bills passed.

On motion of the same Senator, the Senate voted to reconsider the vote whereby the bills were ordered to a third reading.

On motion of the same Senator, the foregoing bills were recommitted to the Committee on Judiciary.

### Special Order

Senator Mahoney called for the Special Order, it being House Bill No. 85, An act relating to the sale of beverages on election days.

Reported from a majority of the committee with the resolution that it is inexpedient to legislate.

A minority of the committee reported that the bill ought to pass.

The question being, Shall the report of the minority be substituted for that of the majority?

(Discussion ensued)

Senator Mahoney demanded a roll call.

The Clerk proceeded to call the roll.

The following named Senators voted in the affirmative: Senators Lazure, Mitchell, James, Noel, Mahoney, O'Malley, Brouillette, Marcoux and Cole.

The following named Senators voted in the negative: Senators Finley, Smart, Bryant, Page, Munroe, Butler, Spaulding, Weston, Avery, Bond, Chesley, Estabrook and Dale.

Nine Senators having voted in the affirmative and thirteen in the negative, the negative prevailed and the motion to substitute was lost.

The question being stated, Shall the recommendation of the committee, inexpedient to legislate, be adopted?

On a *viva voce* vote the affirmative prevailed.

### Recess

The Senate re-assembled.

### Order Vacated

On motion of Senator Weston the order whereby Senate Bill No. 45, An act relative to the sale and use of fireworks, was referred to the Committee on Judiciary was vacated and the bill referred to the Committee on Public Health.

### House Message

The following message was received from the House of Representatives by its Clerk:

*Mr. President:*

The House of Representatives has passed the following entitled bill in the passage of which it asks the concurrence of the Honorable Senate.

House Bill No. 316, An act regulating the taxation of timber blown down by the hurricane of September 21, 1938.

### Read and Referred

The following entitled bill sent up from the House of Representatives was read a first and second time and referred to the Committee on Ways and Means.

House Bill No. 316, An act regulating the taxation of timber blown down by the hurricane of September 21, 1938.

On motion of Senator James, the rules were suspended and all business in order for this afternoon at two o'clock was made in order at the present time.

### Third Readings

The following entitled bills were read a third time and passed.

House Bill No. 33, An act relating to the practice of dentistry.

House Bill No. 206, An act relative to the publication of vital statistics in town reports.

On motion of Senator Avery, the Senate adjourned.

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THURSDAY, MARCH 16, 1939.

The Senate met according to adjournment.

### House Message

The following message was received from the House of Representatives by its Clerk:

*Mr. President:*

The House of Representatives has passed the following entitled bills and joint resolution in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 83, An act relating to fur bearing animals.

House Bill No. 129, An act relating to fraternal benefit societies.

House Bill No. 167, An act to close Zealand river and certain of its tributaries to fishing.

House Bill No. 176, An act to close the South branch of Gale river to fishing.

House Bill No. 269, An act relating to assignment of wage claims to labor commissioner for recovery by civil action.

House Bill No. 302, An act relating to trapping.

House Bill No. 322, An act relating to the definition of dealer in the law relating to motor vehicles.

House Bill No. 334, An act in amendment of the laws relating to the Union School District in Concord.

House Joint Resolution No. 26, Joint resolution for a memorial work commemorating the sesquicentennial of the Federal Constitution.

The message further stated that the House of Representatives had voted to adopt the amendment offered by the Committee on Engrossed Bills to the following Senate Bill, in the adoption of which amendment the House of Representatives asks the concurrence of the Honorable Senate:

Senate Bill No. 20, An act relating to the payment of county taxes.

On motion of Senator Cole, the Senate voted to concur in the amendment sent up by the House of Representatives.

The message further stated that the House of Representatives refused to concur with the Honorable Senate in the passage of the following entitled bill sent down from the Honorable Senate:

Senate Bill No. 11, An act relative to the celebration of Fast Day.

### **Read and Referred**

The following entitled bills and joint resolution sent up from the House of Representatives were read a first and second time and referred,

To the Committee on Revision of Laws,

House Bill No. 129, An act relating to fraternal benefit societies.

House Bill No. 269, An act relating to assignment of wage claims to labor commissioner for recovery by civil action.



House Bill No. 322, An act relating to the definition of dealer in the law relating to motor vehicles. .

To the Committee on Judiciary,

House Bill No. 334, An act in amendment of the laws relating to the Union School District in Concord.

To the Committee on Finance,

House Joint Resolution No. 26, Joint resolution for a memorial work commemorating the sesquicentennial of the Federal Constitution.

To the Committee on Fisheries and Game,

House Bill No. 83, An act relating to fur bearing animals.

House Bill No. 167, An act to close Zealand river and certain of its tributaries to fishing.

House Bill No. 176, An act to close the South branch of Gale river to fishing.

House Bill No. 302, An act relating to trapping.

### Committee Reports

Senator Lazure, for the Committee on Judiciary, to whom was referred Senate Bill No. 33, An act relative to brakes for motor vehicle trailers and semi-trailers,

Having considered the same, reported the same with the following amendments, and recommended that the bill as amended ought to pass.

Amend section 1 of the bill by striking out the word "three" in the thirteenth line and substituting therefor the word six; and by inserting after the word "trailer" in the nineteenth line the words, weighing in excess of fifteen hundred pounds; so that said section as amended will read:

1. *Brakes.* Amend section 4-3, chapter 103, Public Laws, as inserted by chapter 81, Laws of 1937, and as amended by chapter 194, Laws of 1937, by striking out said section and inserting in place thereof the following: 4-a. *Trailers and Semi-Trailers.* No motor

vehicle trailer or semi-trailer, the weight of which including its load is three thousand pounds or more, except wood-sawing machines, cement mixers, refreshment booths on wheels towed not more than two miles at any one time on the highways of this state and devices of two wheels used by public utilities for the transportation of cables or poles, not to exceed six in number, shall be operated on the highways of this state unless equipped with adequate brakes in good working order and sufficient to control the said vehicle at all times when the said vehicle is in use. No house trailer weighing in excess of fifteen hundred pounds shall be operated on the highways of this state unless equipped with adequate brakes in good working order.

The report was accepted, amendments adopted and the bill as amended ordered to a third reading this afternoon at two o'clock.

Senator Lazure, for the Committee on Judiciary, to whom were referred Senate Bill No. 35, An act relative to the operation of motor vehicles,

Senate Bill No. 37, An act relative to minimum fee for agricultural purposes only,

Senate Bill No. 39, An act relative to conduct after a motor vehicle accident,

Senate Bill No. 43, An act relating to the registration of certain motor vehicles,

Having considered the same, reported the same without amendment and recommended their passage.

The reports were accepted, recommendations of the committee adopted, and the bills ordered to a third reading this afternoon at two o'clock.

Senator Lazure, for the Committee on Judiciary, to whom was referred Senate Bill No. 41, An act relative to licenses to operate motor vehicles to persons over seventy years of age.

Having considered the same, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and recommendation of the committee adopted.

Senator Avery, for the Committee on Revision of Laws, to whom was referred Senate Bill No. 32, An act relative to the attachment of number plates on motor vehicles,

Senate Bill No. 36, An act relative to the registration of non-resident circus motor vehicles,

Senate Bill No. 34, An act relative to reports to be made by courts to the Motor Vehicle Department,

Having considered the same, reported the same without amendment and recommended their passage.

The reports were accepted, recommendations of the committee adopted and the bills ordered to a third reading this afternoon at two o'clock.

Senator Noel, for the Committee on Public Health, to whom was referred House Bill No. 232 (in new draft), An act providing for the incorporation of hospital service companies,

Having considered the same, reported the same without amendment and recommended its passage.

The report was accepted, recommendation of the committee adopted, and the bill ordered to a third reading this afternoon at two o'clock.

Senator Munroe, for the Committee on Fisheries and Game, to whom were referred House Bill No. 124, An act closing Nubanusit lake in the towns of Hancock and Nelson and Spoonwood pond in the town of Nelson to ice fishing,

House Bill No. 234, An act relating to fly and bait fishing for brook trout in Connor pond in Ossipee,

Having considered the same, reported the same without amendment and recommended their passage.

The reports were accepted, recommendations of the committee adopted and the bills ordered to a third reading this afternoon at two o'clock.

Senator Munroe, for the Committee on Fisheries and Game, to whom was referred Senate Bill No. 27, An act relative to taking hares and rabbits,

Having considered the same, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and recommendation of the committee adopted.

### Majority and Minority Report

A majority of the Committee on Fisheries and Game, to whom was referred House Bill No. 79, An act to open Gorham pond now known as Lake Gorham in Dunbarton to ice fishing,

Having considered the same, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

LESTER F. MITCHELL,

OLIVER MUNROE,

A. RALPH ESTABROOK,

*For a Majority of the Committee.*

A minority of the Committee on Fisheries and Game, to whom was referred House Bill No. 79, An act to open Gorham pond now known as Lake Gorham in Dunbarton to ice fishing.

Having considered the same, reported the same without amendment and recommended its passage.

DENIS F. MAHONEY,

EDMUND J. MARCOUX,

*For a Minority of the Committee.*

The report of the majority was accepted.

Senator Mahoney moved that the report of the minority, ought to pass, be substituted for that of the majority, inexpedient to legislate.

(Discussion ensued)

Senator Mahoney requested a division on the question.

Six Senators having voted in the affirmative and seventeen Senators having voted in the negative, the negative prevailed and the motion to substitute was lost.

The question being stated, Shall the resolution of the majority, inexpedient to legislate, be adopted?

On a *viva voce* vote the affirmative prevailed.

#### Introduction of Committee Report

On motion of Senator Page, the rules were suspended to introduce a committee report not previously advertised in the Journal.

Senator Page, for the Committee on Ways and Means, to whom was referred House Bill No. 316, An act regulating the taxation of timber blown down by the hurricane of September 21, 1938,

Having considered the same, reported the same without amendment and recommended its passage.

The report was accepted,

The question being stated, Shall the recommendation of the committee be adopted?

(Discussion ensued)

Senator Mitchell moved for the indefinite postponement of the bill, and on that question requested a division.

One Senator having voted in the affirmative and twenty-two in the negative, the motion to indefinitely postpone was lost.

The question being stated, Shall the recommendation of the committee be adopted?

On a *viva voce* vote the affirmative prevailed and the bill was ordered to a third reading this afternoon at two o'clock.

### Bill Engrossed

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled bill:

House Bill No. 48, An act to amend the charter of Coe's Northwood Academy.

OLIVER H. MUNROE,  
*For the Committee.*

### Bill Recalled from the Governor

On motion of Senator Fairbanks the following resolution was adopted:

*Resolved*, That His Excellency, the Governor, be requested to return to the Senate for further consideration the following entitled bill:

House Bill No. 148, An act relating to building and loan associations.

### Bill Returned from the Governor

Pursuant to the above request, His Excellency returned House Bill No. 148, An act relating to building and loan associations.

On motion of the same Senator the rules were so far suspended as to allow a reconsideration of the vote on the above entitled bill.

On motion of the same Senator the Senate voted to reconsider the vote whereby the bill passed.

On motion of the same Senator the Senate voted to reconsider the vote whereby the bill was ordered to a third reading and recommitted it to the Committee on Banks.



### Introduction of Joint Resolution

Senator Chesley, under a suspension of the rules, sixteen Senators having actually voted in favor thereof, introduced the following entitled joint resolution which was read a first and second time, laid upon the table to be printed and referred to the Committee on Claims.

Senate Joint Resolution No. 4, Joint resolution in favor of Thomas J. Callahan.

On motion of Senator Smart the rules were suspended and all business in order for this afternoon at two o'clock was made in order at the present time.

### Third Readings

The following entitled bills were read a third time and passed.

Senate Bill No. 32, An act relative to the attachment of number plates on motor vehicles.

Senate Bill No. 33, An act relative to brakes for motor vehicle trailers and semi-trailers.

Senate Bill No. 34, An act relative to reports to be made by courts to the Motor Vehicle Department.

Senate Bill No. 35, An act relative to the operation of motor vehicles.

Senate Bill No. 36, An act relative to the registration of non-resident circus motor vehicles.

Senate Bill No. 37, An act relative to minimum fee for agricultural purposes only.

Senate Bill No. 39, An act relative to conduct after a motor vehicle accident.

Senate Bill No. 43, An act relating to the registration of certain motor vehicles.

House Bill No. 124, An act closing Nubansit Lake in the Towns of Hancock and Nelson and Spoonwood Pond in the Town of Nelson to ice fishing.

House Bill No. 232 (in new draft), An act providing for the incorporation of hospital service companies.

House Bill No. 234, An act relating to fly and bait fishing for brook trout in Connor Pond in Ossipee.

House Bill No. 316, An act regulating the taxation of timber blown down by the hurricane of September 21, 1938.

On motion of Senator Smart the following resolution was adopted,

*Resolved*, That when the Senate adjourns this morning, it adjourn to meet tomorrow morning at 9:00 o'clock, and when it adjourns Friday morning, it be to meet Monday evening at 6:00 o'clock.

On motion of Senator Marcoux, the Senate adjourned.

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FRIDAY, MARCH 17, 1939.

The Senate met according to adjournment.

Senator Mitchell having assumed the chair, read the following communication.

Concord, N. H.  
Friday, March 17, 1939.

SENATOR MITCHELL:

Please preside for me at today's session of the New Hampshire Senate, and oblige.

ROBERT O. BLOOD,  
*President.*

There being manifestly no quorum present, Senator Mitchell declared the Senate adjourned.

MONDAY, MARCH 20, 1939.

The Senate met according to adjournment.

The President presiding.

There being manifestly no quorum present, the President declared the Senate adjourned.

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TUESDAY, MARCH 21, 1939.

The Senate met according to adjournment.

#### Leaves of Absence

Senators Page and Smart were granted leave of absence on account of town meeting.

Senator Chesley was granted leave of absence on account of important business.

#### House Message

The following message was received from the House of Representatives by its Clerk:

*Mr. President:*

The House of Representatives has passed the following entitled bills, in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 69, An act relating to fees for permits and licenses for boxing and wrestling bouts.

House Bill No. 161, An act relative to fishing in Bumpus pond in Pelham.

House Bill No. 162, An act to close Lake Katherine in the town of Piermont to all fishing.

House Bill No. 330, An act to close Diamond pond otherwise known as Tom pond in Warner.

House Bill No. 346, An act to legalize the biennial election held on the eighth day of November, 1938, in the town of Middleton.

The message further stated that the House of Representatives had voted to concur with the Honorable Senate in the passage of the following entitled bill sent down from the Honorable Senate:

Senate Bill No. 14, An act designating the White Mountain highway.

The message further stated that the House of Representatives had voted to concur with the Honorable Senate in its adoption of the amendments offered by the Committee on Engrossed Bills to the following entitled bills:

House Bill No. 43, An act relating to the closing of fishing of Umbagog lake.

House Bill No. 132, An act relating to distraint.

House Bill No. 138, An act relating to assessment.

House Bill No. 188, An act relating to land used for school purposes in the town of Newfields.

House Bill No. 255, An act providing for an extension of the act relative to the issuance with state guarantee of emergency notes and bonds, by towns, cities and counties.

House Bill No. 337, An act authorizing the city of Franklin to issue refunding notes and bonds.

The message further stated that the House of Representatives had voted to recall from the Governor, Senate Bill No. 1, An act authorizing joint control by sureties. It was put back upon its second reading and recommitted to the Committee on Insurance.

The message further stated that the House of Representatives had voted to adopt the amendments offered by the Committee on Engrossed Bills, to the following Senate Bill, in the adoption of which amendments the House of Representatives asked the concurrence of the Honorable Senate:

Senate Bill No. 19, An act relating to pharmacist equipment.

On motion of Senator Dale, the Senate voted to concur in the amendment sent up from the House of Representatives.

### Read and Referred

The following entitled bills sent up from the House of Representatives were read a first and second time and referred:

To the Committee on Ways and Means,  
House Bill No. 69, An act relating to fees for permits and licenses for boxing and wrestling bouts.

To the Committee on Fisheries and Game,  
House Bill No. 161, An act relative to fishing in Gumpus pond in Pelham.

House Bill No. 162, An act to close Lake Katherine in the town of Piermont to all fishing.

House Bill No. 330, An act to close Diamond pond otherwise known as Tom pond in Warner.

To the Committee on Judiciary.

House Bill No. 346, An act to legalize the biennial election held on the eighth day of November, 1938, in the town of Middleton.

### Committee Reports

Senator Avery for the Committee on Revision of Laws, to whom were referred Senate Bill No. 44, An act relative to the inspection of motor vehicles.

House Bill No. 74, An act relating to actions against tenants.

House Bill No. 134, An act relating to the payment of the poll taxes of married women.

Having considered the same, reported the same without amendment and recommended that the bills ought to pass.

The reports were accepted, recommendations of the committee adopted and the bills ordered to a third reading this afternoon at two o'clock.

Senator Avery for the Committee on Revision of Laws, to whom were referred Senate Bill No. 38, An act relative to the height of motor vehicles.

Senate Bill No. 40, An act relative to the suspension of motor vehicle licenses.

Having considered the same, reported the same with the following resolution:

*Resolved*, That they are inexpedient to legislate.

The reports were accepted and recommendations of the committee adopted.

Senator Lazure, for the Committee on Engrossed Bills, to whom was referred House Bill No. 135, An act relating to abatement.

Having considered the same, reported the same under Joint Rule No. 6, with the following amendments and recommended that the bill as amended ought to pass.

Amend the title of said bill by striking out the same and inserting in place thereof the following:

An act relating to applications for abatement of taxes.

Amend section 1 of said bill by striking out the words "made by the taxpayer" in the third and sixth lines.

The report was accepted, amendments adopted and the bill as amended sent to the House of Representatives for concurrence in the Senate amendments.

Senator Lazure, for the Committee on Engrossed Bills, to whom was referred House Bill No. 124, An act closing Nubanusit lake in the towns of Hancock and Nelson and Spoonwood pond in the town of Nelson to ice fishing.

Having considered the same, reported the same under Joint Rule No. 6, with the following amendments



and recommended that the bill as amended ought to pass.

Amend section 2 of said bill by striking out said section and inserting in place thereof the following:

2. *Ice Fishing.* Amend paragraph IV of section 5 of chapter 155 of the Laws of 1935, as inserted by section 3, chapter 96 of the Laws of 1937 by adding at the end thereof the words, Spoonwood pond in Nelson, so that said paragraph as amended shall read as follows: IV. Northwood lake in Northwood and Epsom, Nutt pond in Manchester, Partridge lake in Lyman and Littleton, Pleasant lake in New London, Robs reservoir in Stoddard, Spoonwood pond in Nelson.

Further amend said bill by inserting after section 2 the following:

3. *Nubanusit Lake.* Amend section 5 of chapter 155 of the Laws of 1935, as inserted by section 3 of chapter 96 of the Laws of 1937 by inserting after paragraph VII the following new paragraph: VIII. Nubanusit lake in Hancock and Nelson from January first to February sixteenth.

Further amend said bill by renumbering section 3 to read section 4.

The report was accepted, amendments adopted and the bill as amended sent to the House of Representatives for concurrence in the Senate amendments.

Senator Lazure, for the Committee on Engrossed Bills, to whom was referred House Bill No. 146, An act relating to the registration of nurses.

Having considered the same, reported the same under Joint Rule No. 6, with the following amendment and recommended that the bill as amended ought to pass.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *Registered Nurses.* Amend chapter 211 of the Public Laws by inserting after section 4 the following new section: 4-a. *Annual Certificates.* Any person holding a certificate of registration to practice as a registered nurse hereunder shall annually on or before June first of each year file his name and address with the commissioner and, if he wishes to engage within this state in the practice of general nursing, he shall make application for an annual certificate. The commissioner, upon receipt of the required fee, shall issue to such registered nurse an annual registration certificate which shall be valid until May thirty-first next succeeding.

2. *Lists to be Furnished.* Amend section 7 of said chapter 211 by striking out said section and inserting in place thereof the following: 7. *Rules; Reports.* The commissioner, with the advice of the examiners, shall make all necessary rules for the examination of nurses applying for certification hereunder, and shall report annually to the governor the receipts and expenditures under the provisions hereof. Said commissioner shall, on or before January first of each year, forward to each nurse who has registered as provided in section 4-a, and to each hospital in the state, a list of all nurses holding annual registration certificates as provided in said section 4-a with the addresses of each.

3. *Certification and Annual Registration.* Amend section 8 of said chapter 211 by striking out said section and inserting in place thereof the following: 8. *Fees.* Each person so applying for certification, or for examination and certification, shall pay a fee of five dollars. Each person applying for annual registration certificate, as provided in section 4-a, shall pay a fee of fifty cents. The commissioner shall pay all fees to the state treasurer.

4. *Prohibition.* Amend section 10 of said chapter 211 by striking out said section and inserting in place thereof the following: 10. *Public Health Nursing; General Nursing.* No person shall engage in any of the various forms of public health nursing unless such person is a registered nurse and holds a valid annual registration certificate, as provided in section 4-a; and no registered nurse shall engage in the practice of general nursing in this state unless such registered nurse holds a valid annual registration certificate, as as provided in section 4-a; provided that this section shall not affect any person who, previous to July 1, 1925, has been so employed.

5. *Takes Effect.* The provisions of this act shall take effect as of June 1, 1939, provided that applications for and issuance of annual registration certifications for the period beginning June 1, 1939, may be made prior to that date.

The report was accepted, amendment adopted and the bill as amended sent to the House of Representatives for concurrence in the Senate amendment.

### Introduction of Bills

Senator James under a suspension of the rules, sixteen Senators having actually voted in favor thereof, introduced the following entitled bill, which was read a first and second time, laid upon the table to be printed and referred to the Committee on Judiciary.

Senate Bill No. 46, An act changing the names of Keene and Plymouth Normal Schools.

Senator Bond under a suspension of the rules, sixteen Senators having actually voted in favor thereof, introduced the following entitled bill which was read a first and second time, laid upon the table to be printed and referred to the Committee on Liquor Laws.

Senate Bill No. 47, An act relating to the biennial referendum.

Senator Mitchell under a suspension of the rules, sixteen Senators having actually voted in favor thereof, introduced the following entitled bills which were read a first and second time, laid upon the table to be printed and referred to the Committee on Fisheries and Game.

Senate Bill No. 48, An act relative to taking lake trout and pickerel from Stinson lake.

Senate Bill No. 49, An act relating to Oliverian Brook in Benton and Warren and Three Pond Brook in Rumney.

### Order Vacated

Senator Weston moved that the order whereby Senate Bill No. 46, An act changing the names of Keene and Plymouth Normal Schools, was referred to the Committee on Judiciary, be vacated and the bill be referred to the Committee on University of New Hampshire and State Normal Schools.

On motion of Senator Marcoux, the rules were suspended and all business in order for this afternoon at two o'clock was made in order at the present time.

### Third Readings

The following entitled bills were read a third time and passed.

Senate Bill No. 44, An act relative to the inspection of motor vehicles.

House Bill No. 74, An act relating to actions against tenants.

House Bill No. 134, An act relating to the payment of the poll taxes of married women.

On motion of Senator Bond, the Senate adjourned.

WEDNESDAY, MARCH 22, 1939.

The Senate met according to adjournment.

The following message was received from the House of Representatives by its Clerk:

**House Message**

*Mr. President:*

The House of Representatives has passed the following entitled bills in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 163, An act authorizing the city of Keene to acquire land for the purposes of flood control.

House Bill No. 217, An act closing Elbow pond in Woodstock to ice fishing.

House Bill No. 219, An act closing certain waters in the towns of Cambridge and Errol to fishing.

House Bill No. 254, An act relating to pedestrians.

House Bill No. 308, An act providing for reports to be made concerning children with impaired hearing.

House Bill No. 325, An act relating to interstate authority for the Portsmouth-Kittery Bridge and approaches thereto.

House Bill No. 332, An act relating to the Fraternal Order of Eagles of Manchester, N. H.

House Bill No. 341, An act relative to the protection of state and other highways.

The message further stated that the House of Representatives had voted to concur with the Honorable Senate in the passage of the following entitled bill:

Senate Bill No. 6, An act regulating motor vehicle junk yards.

**Read and Referred**

The following bills sent up from the House of Representatives were read a first and second time and referred,

To the Committee on Judiciary,

House Bill No. 163, An act authorizing the city of Keene to acquire land for the purpose of flood control.

House Bill No. 325, An act relating to interstate authority for the Portsmouth-Kittery bridge and approaches thereto.

House Bill No. 332, An act relating to the Fraternal Order of Eagles of Manchester, N. H.

To the Committee on Revision of Laws,

House Bill No. 254, An act relating to pedestrians.

To the Committee on Public Improvements,

House Bill No. 341, An act relative to the protection of state and other highways.

To the Committee on Public Health,

House Bill No. 308, An act providing for reports to be made concerning children with impaired hearing.

To the Committee on Fisheries and Game,

House Bill No. 217, An act closing Elbow pond in Woodstock to ice fishing.

House Bill No. 219, An act closing certain waters in the towns of Cambridge and Errol to fishing.

### Committee Reports

Senator Avery for the Committee on Revision of Laws, to whom were referred,

House Bill No. 129, An act relating to fraternal benefit societies.

House Bill No. 269, An act relating to assignment of wage claims to Labor Commissioner for recovery by civil action.

House Bill No. 322 (new title), An act relating to the definition of dealer in the law relating to motor vehicles.

Having considered the same, reported the same without amendments and recommended their passage.

The reports were accepted, recommendations of the committee adopted and the bills ordered to a third reading this afternoon at two o'clock.



Senator Noel for the Committee on Public Health, to whom were referred,

Senate Bill No. 30, An act relative to the qualifications for applicants for examinations for the practice of medicine.

House Bill No. 328, An act relating to ice cream and sherbets.

Having considered the same, reported the same without amendment and recommended their passage.

The reports were accepted, recommendations of the committee adopted, and the bills ordered to a third reading this afternoon at two o'clock.

Senator Munroe for the Committee on Fisheries and Game, to whom were referred,

House Bill No. 157, An act to close Forest lake, Winchester, to ice fishing.

House Bill No. 158, An act to close all tributaries of Pisgah reservoir in Winchester to fishing.

House Bill No. 175, An act relating to the taking of white perch.

House Bill No. 249, An act to close Inlet brook tributary to Back lake in Pittsburg.

Having considered the same, reported the same without amendment and recommended their passage.

The reports were accepted, recommendations of the committee adopted and the bills ordered to a third reading this afternoon at two o'clock.

Senator Munroe for the Committee on Fisheries and Game, to whom was referred,

House Bill No. 23, An act relating to ice fishing in Newfound lake.

Having considered the same, reported the same with the following amendment and recommended that the bill as amended ought to pass.

Amend section 1 of the bill by striking out the words "sixteenth day of February" in the eighth and ninth

lines and also in the thirteenth and fourteenth lines, and substituting therefor the words, first day of March; so that said section as amended will read:

1. *Newfound Lake*. Amend section 5-b, chapter 155 of the Laws of 1935 as inserted by chapter 188 of the Laws of 1937, by striking out in the last line the words "during the month of January" and inserting in place thereof the words "from the fifteenth day of January until the first day of March" so that said section as amended shall read: 5-b. *Newfound Lake*. Newfound lake is closed to fishing through the ice except from the fifteenth day of January until the first day of March.

The report was accepted, amendment adopted and the bill as amended ordered to a third reading this afternoon at two o'clock.

Senator Munroe for the Committee on Fisheries and Game, to whom was referred,

House Bill No. 44, An act relating to the open season for taking pickerel from Umbagog lake and Leonard pond,

Having considered the same, reported the same with the following amendment and recommended that the bill as amended ought to pass.

Amend section 1 of the bill by adding at the end thereof the words, and except the Magalloway river and its tributaries and the Androscoggin river and its tributaries from Umbagog lake to Errol dam; so that said section as amended will read:

1. *Taking Pickerel*. Amend paragraph VI of section 4 of chapter 155 of the Laws of 1935, as amended by section 1 of chapter 96 of the Laws of 1937, by striking out said paragraph and inserting in place thereof the following: VI. Silver lake in Madison, Sunapee lake, Tarleton lake in Piermont and Warren, Tewksbury pond in Grafton, Town Line pond in Dor-

chester and Wentworth, Trout pond in Dorchester, Winnepesaukee river, all streams in the state inhabited by trout, and all lakes and ponds in Coos county inhabited by trout except Umbagog lake in Errol and Cambridge and except that part of Umbagog lake known as Leonard pond in Errol, and except the Magalloway river and its tributaries and the Androscoggin river and its tributaries from Umbagog lake to Errol dam.

The report was accepted, amendment adopted and the bill as amended ordered to a third reading this afternoon at two o'clock.

Senator Lazure for the Committee on Engrossed Bills, to whom was referred

House Bill No. 123, An act relative to the definition of persons eligible for aid to the aged,

Having considered the same, reported the same under Joint Rule No. 6, with the following amendment and recommended that the bill as amended ought to pass.

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1. *Qualifications for Old Age Assistance.* Amend paragraph (a) of section 12 of chapter 202 of the Laws of 1937 by striking out said paragraph and inserting in place thereof the following: (a) For the purposes hereof a person shall be eligible for aid to the aged who is seventy years of age; is a citizen of the United States; is not on account of his physical condition in need of continued institutional care; if a husband, has not without just cause failed to support his wife and children under the age of sixteen years, for six months or more during the ten years preceding the date of application; has not within one year preceding said application been an habitual tramp, beggar or drunkard; provided, further, that after January 1,

1940, the age limit for eligibility for such assistance shall be sixty-five years.

The report was accepted, amendment adopted and the bill as amended sent to the House of Representatives for concurrence in the Senate amendment.

Senator Lazure for the Committee on Engrossed Bills, to whom was referred,

House Bill No. 33, An act relating to the practice of dentistry,

Having considered the same, reported the same under Joint Rule No. 6 with the following amendments and recommended that the bill as amended ought to pass.

Amend section 5 of said bill by striking out the same and inserting in place thereof the following:

5. *Repeal.* Section 10 of chapter 205 of the Public Laws, relative to licenses granted without an examination, is hereby repealed.

Further amend said bill by inserting after section 5 the following new section:

6. *Recognized Dental Schools.* Amend section 12 of chapter 205 of the Public Laws by striking out said section and inserting in place thereof the following:

12. *Rules.* Said board shall make rules or regulations to establish a uniform and reasonable standard of educational requirements by which to determine what dental school shall be recognized hereunder.

Further amend said bill by renumbering sections 6, 7, 8, 9 and 10 to read respectively sections 7, 8, 9, 10 and 11.

The report was accepted, amendments adopted and the bill as amended sent to the House of Representatives for concurrence in the Senate amendment.

### Bills Engrossed

The Committee on Engrossed Bills reported that the committee had examined and found correctly engrossed the following entitled bills:

Senate Bill No. 14, An act designating the White Mountain highway.

Senate Bill No. 20, An act relating to the payment of county taxes.

House Bill No. 43, An act relating to the closing to fishing of Umbagog lake, the Magalloway river and its tributaries and the Androscoggin river and certain of its tributaries.

House Bill No. 47, An act relating to smelt fishing.

House Bill No. 132, An act relating to distraint for collection of property taxes.

House Bill No. 138, An act relating to assessment of taxes.

House Bill No. 188, An act relating to land used for school purposes in the town of Newfields.

House Bill No. 206, An act relative to the publication of vital statistics in town reports.

House Bill No. 234, An act relating to fly and bait fishing for brook trout in Connor pond in Ossipee.

House Bill No. 255, An act providing for an extension of the act relative to the issuance with state guarantee of emergency notes and bonds by towns, cities and counties.

House Bill No. 337, An act authorizing the city of Franklin to issue refunding notes or bonds.

ALBERT C. LAZURE,  
*For the Committee.*

### Bill Recalled from the Governor

On motion of Senator Page the following resolution was adopted:

*Resolved*, That His Excellency, the Governor, be requested to return to the Senate for further consideration the following entitled bill:

House Bill No. 316, An act regulating the taxation of timber blown down by the hurricane of September 21, 1938.

### Bill Returned from the Governor

Pursuant to the above request His Excellency returned House Bill No. 316, An act regulating the taxation of timber blown down by the hurricane of September 21, 1938.

On motion of the same Senator the rules were so far suspended as to allow a reconsideration of the vote on the above entitled bill.

On motion of the same Senator the Senate voted to reconsider the vote whereby the bill passed.

On motion of the same Senator the Senate voted to reconsider the vote whereby the bill was ordered to a third reading and recommitted it to the Committee on Ways and Means.

On motion of Senator Noel the rules were suspended, and all business in order for this afternoon at two o'clock was made in order at the present time.

### Third Readings

The following entitled bills were read a third time and passed.

House Bill No. 129, An act relating to fraternal benefit societies.

House Bill No. 269, An act relating to assignment of wage claims to Labor Commissioner for recovery by civil action.

House Bill No. 322 (new title), An act relating to the definition of dealer in the law relating to motor vehicles.



Senate Bill No. 30, An act relative to the qualifications for applicants for examinations for the practice of medicine.

House Bill No. 328, An act relating to ice cream and sherbets.

House Bill No. 157, An act to close Forest lake, Winchester to ice fishing.

House Bill No. 158, An act to close all tributaries of Pisgah reservoir in Winchester to fishing.

House Bill No. 175, An act relating to the taking of white perch.

House Bill No. 249, An act to close Inlet brook tributary to Back lake in Pittsburg.

House Bill No. 23, An act relating to ice fishing in Newfound lake.

House Bill No. 44, An act relating to the open season for taking pickerel from Umbagog lake and Leonard pond.

On motion of Senator Page the following resolution was adopted:

*Resolved*, That when the Senate adjourns Thursday morning, March 23, it adjourn to meet Saturday morning at 10 o'clock, and that when it then adjourns it adjourn to meet Tuesday morning, March 28, at 11 o'clock.

On motion of Senator James the Senate adjourned.

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THURSDAY, MARCH 23, 1939.

The Senate met according to adjournment.

### Leave of Absence

Senator Mahoney was granted leave of absence for the day on account of important business.

### House Message

The following message was received from the House of Representatives by its Clerk:

*Mr. President:*

The House of Representatives has passed the following entitled bills, in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 66, An act relating to landlord and tenant.

House Bill No. 112, An act relating to the stimulation of race horses.

House Bill No. 170, An act relating to hunting of deer.

The message further stated that the House of Representatives had voted to concur with the Honorable Senate in its adoption of the amendments offered by the Committee on Engrossed Bills to the following entitled bills.

House Bill No. 124, An act closing Nubanusit lake in the towns of Hancock and Nelson and Spoonwood pond in the town of Nelson to ice fishing.

House Bill No. 135, An act relating to applications for abatement of taxes.

House Bill No. 146, An act relating to the registration of nurses.

### Read and Referred

The following entitled bills sent up from the House of Representatives were read a first and second time and referred,

To the Committee on Revision of Laws,

House Bill No. 66, An act relating to landlord and tenant.

House Bill No. 112, An act relating to the stimulation of race horses.

To the Committee on Fisheries and Game,

House Bill No. 170, An act relating to hunting of deer.

### Committee Reports

Senator Avery for the Committee on Revision of Laws to whom was referred,

House Bill No. 186, An act relating to school busses.

Having considered the same, reported the same with the following amendment and recommended that the bill as amended ought to pass.

Amend section 1 of the bill by striking out the whole of said section and substituting therefor the following:

1. *School Busses.* Amend chapter 103 of the Public Laws by inserting after section 8-a, as inserted by chapter 107 of the Laws of 1935, the following new sections: 8-b. *Operation at Railroad Crossing.* When a highway crosses the tracks of a steam railroad at grade crossing the driver of any motor vehicle transporting school children shall, when approaching the point of intersection stop his motor vehicle not more than fifty feet and not less than twenty feet from said crossing, and before attempting to cross shall carefully examine for approaching trains and shall not proceed until he has ascertained that no trains are approaching. 8-c. *Authority of Commissioner to Inspect.* The commissioner shall have authority, through his duly authorized agents, to inspect any motor vehicle used for the purpose of transporting school children to determine the fitness of such motor vehicle for such purpose and if he finds that such vehicle is unfit for such purpose he may refuse to permit such vehicle to be designated as a school bus as provided by section 8-a.

Senator Avery for the Committee on Military Affairs to whom was referred,

Senate Joint Resolution No. 3, Joint resolution concerning a national patriotic revival plan.

Having considered the same, reported the same without amendment and recommended its passage.

The report was accepted, recommendation of the committee adopted and the bill ordered to a third reading this afternoon at two o'clock.

Senator Spaulding for the Committee on Transportation, to whom was referred,

House Bill No. 106, An act relating to registration fees for vehicles carrying special equipment.

Having considered the same, reported the same without amendment and recommended its passage.

The report was accepted, recommendation of the committee adopted and the bill ordered to a third reading this afternoon at two o'clock.

Senator Lazure for the Committee on Judiciary to whom was referred,

House Bill No. 334, An act to amendment of the laws relating to the Union School District in Concord.

Having considered the same, reported the same without amendment and recommended its passage.

The report was accepted, recommendation of the committee adopted and the bill ordered to a third reading this afternoon at two o'clock.

### **Introduction of Bill**

Senator O'Malley under a suspension of the rules, sixteen Senators having actually voted in favor thereof, introduced the following entitled bill which was read a first and second time, laid upon the table to be printed and referred to the Committee on Judiciary.

Senate Bill No. 50, An act relative to the supervision of electricians.

On motion of Senator Mitchell the rules were suspended and all business in order for this afternoon at two o'clock was made in order at the present time.

### Third Readings

The following entitled bills were read a third time and passed.

House Bill No. 186, An act relating to school busses.

House Bill No. 334, An act in amendment of the laws relating to the Union school district in Concord.

House Bill No. 106, An act relating to registration fees for vehicles carrying special equipment.

Senate Joint Resolution No. 3, Joint resolution concerning a national patriotic revival plan.

On motion of Senator Fairbanks the Senate adjourned.

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SATURDAY, MARCH 25, 1939.

The Senate met according to adjournment.

The President presiding.

There being manifestly no quorum present, the President declared the Senate adjourned.

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TUESDAY, MARCH 28, 1939.

The Senate met according to adjournment.

### Leaves of Absence

Senators Lazure and Butler were granted leave of absence for the day on account of illness.

### House Message

The following message was received from the House of Representatives by its Clerk:

*Mr. President:*

The House of Representatives has passed a joint resolution with the following caption, in the passage of which it asks the concurrence of the Honorable Senate:

House Joint Resolution No. 47, Joint resolution in favor of the New Hampshire Veterans' Association.

The message further stated that the House of Representatives had voted to concur with the Honorable Senate in the passage of the following entitled bills sent down from the Honorable Senate.

Senate Bill No. 7, An act relating to the registration of motor vehicles.

Senate Bill No. 22, An act limiting the time within which a marriage certificate is valid.

Senate Bill No. 16, An act relating to the establishment of memorials by towns and cities.

The message further stated that the House of Representatives had refused to concur with the Honorable Senate in its amendment to House Bill No. 23, An act relating to ice fishing in Newfound Lake and asked for a Committee of Conference. The Speaker has appointed as members on such a Committee on the part of the House Messrs. Dort of Keene, Dempsey of Franklin and Carpenter of Wolfeboro.

On motion of Senator Mitchell, the Senate voted to accede to the request of the House of Representatives for a Committee of Conference, and pursuant to the above request the President appointed as members on the part of the Senate Senators Mitchell and Munroe.

### **Read and Referred**

The following entitled joint resolution sent up from the House of Representatives was read a first and second time and referred to the Committee on Military Affairs.

House Joint Resolution No. 47, Joint resolution in favor of the New Hampshire Veterans' Association.



### Committee Reports

Senator Lazure for the Committee on Engrossed Bills, to whom was referred,

House Bill No. 106, An act relating to registration fees for vehicles carrying special equipment.

Having considered the same, reported the same under Joint Rule No. 6 with the following amendments and recommended that the bill as amended ought to pass.

Amend section 1 of said bill by inserting after the word "chassis" in the seventh line the words, and truck shovels on motor vehicle chassis.

Further amend said section by striking out the word "incorporated" where it occurs in the eleventh and fifty-first lines.

The report was accepted, recommendation of the committee adopted and the bill as amended sent to the House of Representatives for concurrence in the Senate amendments.

Senator Lazure for the Committee on Engrossed Bills to whom was referred,

House Bill No. 157, An act to close Forest lake, Winchester, to ice fishing.

Having considered the same, reported the same under Joint Rule No. 6 with the following amendment and recommended that the bill as amended ought to pass.

Amend section 1 of said bill by striking out the first five lines and inserting in place thereof the following:

1. *Closed to Ice Fishing.* Amend paragraph 1 of section 5 of chapter 155 of the Laws of 1935, as inserted by section 3, chapter 96 of the Laws of 1937, by adding at the end thereof the words, Forest lake in Winchester, so that said paragraph as amended shall read as follows:

The report was accepted, recommendation of the committee adopted and the bill as amended sent to the House of Representatives for concurrence in the Senate amendment.

Senator Lazure for the Committee on Engrossed Bills, to whom was referred,

House Bill No. 158, An act to close all tributaries of Pisgah reservoir in Winchester to fishing.

Having considered the same, reported the same under Joint Rule No. 6 with the following amendment and recommended that the bill as amended ought to pass.

Amend section 1 of said bill by striking out said section and inserting in place thereof the following:

1. *Pisgah Reservoir.* Amend paragraph VII of section 7, chapter 155, Laws of 1935, as inserted by section 4, chapter 96, Laws of 1937, by adding at the end thereof the words: all tributaries of Pisgah reservoir in Winchester, so that said paragraph as amended shall read as follows: VII. Pillsbury Reservation, in Washington and all brooks therein, all tributaries of Pleasant Lake in New London and that portion of Pleasant lake which forms a cove into which Chandler brook flows out to a line between two markers approximately one hundred yards north from Chandler brook, all tributaries of Pisgah reservoir in Winchester.

The report was accepted, amendment adopted, and the bill as amended sent to the House of Representatives for concurrence in the Senate amendment.

Senator Lazure for the Committee on Engrossed Bills, to whom was referred,

House Bill No. 334, An act in amendment of the laws relating to the Union School District in Concord.

Having considered the same, reported the same under Joint Rule No. 6 with the following amendments and recommended that the bill as amended ought to pass.

Amend the title of said bill by striking out the words "in amendment of the laws."

Amend section 1 of said bill by striking out the words "in amendment of the laws."

Amend section 1 of said bill by striking out the word "of" in the fifth line and inserting in place thereof the word, in.

The report was accepted, amendments adopted, and the bill as amended sent to the House of Representatives for concurrence in the Senate amendments.

### **Bills Engrossed**

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled bills:

Senate Bill No. 19, An act relating to pharmacist's equipment.

House Bill No. 33, An act relating to the practice of dentistry.

House Bill No. 124, An act closing Nubanusit lake in the towns of Hancock and Nelson and Spoonwood pond in the town of Nelson to ice fishing.

House Bill No. 135, An act relating to applications for abatement of taxes.

OLIVER MUNROE,  
*For the Committee.*

### **Introduction of Bill**

Senator Weston for the Committee on Rules introduced the following entitled bill sponsored by Senator Spaulding, which was read a first and second time, laid upon the table to be printed and referred to the Committee on Judiciary.

Senate Bill No. 51, An act relating to school districts.

On motion of Senator Spaulding, the rules were suspended and all business in order for this afternoon at two o'clock was made in order at the present time.

On motion of Senator Marcoux the Senate adjourned.

WEDNESDAY, MARCH 29, 1939.

The Senate met according to adjournment.

### Leaves of Absence

Senators Lazure and Butler were granted leave of absence for the day on account of illness.

Senator Mitchell was granted leave of absence for the day on account of important business.

### House Message

The following message was received from the House of Representatives by its Clerk:

*Mr. President:*

The House of Representatives has passed the following entitled bills in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 179, An act establishing County Commissioner districts in the county of Cheshire.

House Bill No. 282, An act relating to investments of life insurance companies.

The message further stated that the House of Representatives had voted to concur with the Honorable Senate in its amendments to the following entitled bill:

House Bill No. 186, An act relating to school busses.

### Read and Referred

The following entitled bills sent up from the House of Representatives were read a first and second time and referred,

To the Committee on Revision of Laws.

House Bill No. 179, An act establishing County Commissioner districts in the county of Cheshire.

To the Committee on Insurance,

House Bill No. 282, An act relating to investments of life insurance companies.

### Committee Reports

Senator Avery, for the Committee on Revision of Laws, to whom were referred House Bill No. 66, An act relating to landlord and tenant.

House Bill No. 112, An act relating to the stimulation of race horses.

House Bill No. 259, An act relating to the powers of the Superior Court.

House Bill No. 254, An act relating to pedestrians.

Having considered the same, reported the same without amendment and recommended their passage.

The reports were accepted, recommendations of the committee adopted, and the bills ordered to a third reading this afternoon at two o'clock.

Senator Avery, for the Committee on Revision of Laws, to whom was referred House Bill No. 165, An act relating to the construction of sidewalks in the city of Nashua.

Having considered the same, reported the same with the following amendments and recommended that the bill as amended ought to pass.

Amend said bill by inserting after section 2 the following new section: 3. *Repeal*. Section 3 of chapter 319 of the Laws of 1915, relative to maintenance of sidewalks in said city, is hereby repealed.

Further amend said bill by renumbering section 3 to read section 4.

The report was accepted, amendments adopted and the bill as amended ordered to a third reading this afternoon at two o'clock.

Senator Avery, for the Committee on Revision of Laws, to whom was referred Senate Bill No. 26, An act amending chapter 177 of the Public Laws, the safety and health of employees.

Having considered the same, reported the same with the following amendments and recommended that the bill as amended ought to pass.

Amend the title of said bill by striking out the same and inserting in place thereof the following:

An act relative to the safety and health of persons engaged in building and road construction projects.

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1. *The Safety and Health of Employees.* Amend section 1 of chapter 177 of the Public Laws by striking out said section and inserting in place thereof the following: 1. *Application; Definitions.* This chapter shall apply only to factories, mills, workshops, or other manufacturing or mercantile establishments, in which three or more persons are regularly employed, and to projects for construction, repair or demolition of buildings or road construction where three or more persons are employed. The term employer as used herein shall include every person, firm, corporation or association operating in this state any such manufacturing or mercantile establishment or carrying on such project. The term place of employment shall include such places and all buildings, sheds, structures or other places used in connection therewith. The term employee shall include every person employed to work in any such place of employment.

Amend section 2 of said bill by striking out said section and inserting in place thereof the following:

2. *Building Projects.* Amend section 29 of said chapter 177 by striking out said section and inserting in place thereof the following: 29. *Factory Inspectors.* For the purpose of inspecting factories, workshops, commercial and such mercantile establishments, building projects and road projects as the com-



missioner shall designate, he shall, with the approval of the governor and council, employ four competent persons who shall be known as inspectors, one of whom shall be a woman, and one of whom shall be familiar with building construction and repair, and shall fix their compensation, subject to the approval of the governor and council, at not exceeding twenty-two hundred dollars a year for each inspector.

The report was accepted, amendments adopted, and the bill referred to the Committee on Finance, under the rules.

Senator Mahoney, for the Committee on Judiciary, to whom were referred House Bill No. 163, An act authorizing the city of Keene to acquire land for the purposes of flood control.

House Bill No. 325, An act relating to interstate authority for the Portsmouth-Kittery Bridge and approaches thereto.

House Bill No. 332, An act relating to the Fraternal Order of Eagles of Manchester, N. H.

House Bill No. 346, An act to legalize the biennial election held on the 8th day of November, 1938, in the town of Middleton.

Having considered the same, reported the same without amendments and recommended their passage.

The reports were accepted, recommendations of the committee adopted, and the bills ordered to a third reading this afternoon at two o'clock.

Senator Munroe, for the Committee on Fisheries and Game, to whom were referred House Bill No. 162, An act to close Lake Katherine in the town of Piermont to all fishing.

House Bill No. 176, An act to close the South Branch of the Gale river to fishing.

House Bill No. 217, An act closing Elbow pond in Woodstock to ice fishing.

House Bill No. 302, An act relating to trapping.

Having considered the same, reported the same without amendments and recommended their passage.

The reports were accepted, recommendations of the committee adopted, and the bills ordered to a third reading this afternoon at two o'clock.

Senator Munroe, for the Committee on Fisheries and Game, to whom was referred House Bill No. 330, An act to close Dimond pond otherwise known as Tom pond in Warner.

Having considered the same, reported the same with the following amendment and recommended that the bill as amended ought to pass.

Amend the title of the bill by adding at the end thereof the words, to ice fishing; so that said title as amended will read:

An act to close Dimond pond otherwise known as Tom pond in Warner, to ice fishing.

The report was accepted, amendment adopted, and the bill as amended ordered to a third reading this afternoon at two o'clock.

### **Bills Engrossed**

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled bills:

Senate Bill No. 6, An act regulating motor vehicle junk yards.

Senate Bill No. 7, An act relating to the registration of motor vehicles.

Senate Bill No. 16, An act relating to the establishment of memorials by towns and cities.

Senate Bill No. 22, An act limiting the time within which a marriage certificate is valid.

House Bill No. 74, An act relating to actions against tenants.

House Bill No. 123, An act relative to the definition of persons eligible for aid to the aged.

House Bill No. 134, An act relating to the payment of the poll taxes of married women.

House Bill No. 175, An act relating to the taking of white perch.

House Bill No. 322, An act relating to the definition of dealer in the law relating to motor vehicles.

### Introduction of Bills

Senator Mahoney, for the Committee on Rules, introduced the following entitled bills sponsored by Senators Cole, Bryant and Smart, which were read a first and second time, laid upon the table to be printed and referred to the Committee on Judiciary.

Senate Bill No. 52, An act regulating the display of signs relating to prices of motor fuel.

Senate Bill No. 53, An act relative to Sunday work for employees engaged in the work of communications.

Senate Bill No. 54, An act relative to vehicles carrying wood sawing equipment.

On motion of Senator Munroe, the rules were suspended, and all business in order for this afternoon at two o'clock was made in order at the present time.

### Third Readings

The following entitled bills were read a third time and passed.

House Bill No. 66, An act relating to landlord and tenant.

House Bill No. 112, An act relating to the stimulation of race horses.

House Bill No. 259, An act relating to the powers of the Superior Court.

House Bill No. 234, An act relating to pedestrians.

House Bill No. 165, An act relating to the construction of sidewalks in the city of Nashua.

House Bill No. 163, An act authorizing the city of Keene to acquire land for the purposes of flood control.

House Bill No. 325, An act relating to interstate authority for the Portsmouth-Kittery bridge and approaches thereto.

House Bill No. 332, An act relating to the Fraternal Order of Eagles of Manchester, N. H.

House Bill No. 346, An act to legalize the biennial election held on the 8th day of November, 1938, in the town of Middleton.

House Bill No. 162, An act to close Lake Katherine in the town of Piermont to all fishing.

House Bill No. 176, An act to close the South Branch of Gale river to fishing.

House Bill No. 217, An act closing Elbow pond in Woodstock to ice fishing.

House Bill No. 302, An act relating to trapping.

House Bill No. 330, An act to close Dimond pond otherwise known as Tom pond in Warner to ice fishing.

On motion of Senator Brouillette, the Senate adjourned.

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#### THURSDAY, MARCH 30, 1939

The Senate met according to adjournment.

#### Leaves of Absence

Senators Lazure and Butler were granted leaves of absence for the day on account of illness.

Senator Weston was granted leave of absence for the day on account of important business.

### House Message

The following message was received from the House of Representatives by its Clerk:

*Mr. President:*

The House of Representatives has passed the following entitled bills and joint resolution, in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 113, An act relating to the open season for taking deer in Coos County.

House Bill No. 218, An act closing the Androscoggin River to fishing.

House Bill No. 319, An act relating to the equipment of portable mills.

House Bill No. 373, An act relating to commitment to the state hospital.

House Bill No. 374, An act relative to employees of the fish and game department.

House Joint Resolution No. 52, Joint resolution in favor of Robert Ramig.

The message further stated that the House of Representatives had voted to concur with the Honorable Senate in its adoption of the amendments offered by the Committee an Engrossed Bills to the following entitled bills and joint resolution:

House Bill No. 106, An act relating to registration fees for vehicles carrying equipment.

House Bill No. 157, An act to close Forest Lake, Winchester, to ice fishing.

House Bill No. 158, An act to close all tributaries of Pisgah reservoir in Winchester to fishing.

House Bill No. 334, An act relating to the Union School District in Concord.

### Read and Referred

The following entitled bills and joint resolution sent up from the House of Representatives were read a first and second time and referred,

To the Committee on Fisheries and Game,

House Bill No. 113, An act relating to the open season for taking deer in Coos County.

House Bill No. 218, An act closing the Androscoggin River to fishing.

House Bill No. 374, An act relative to employees of the fish and game department.

To the Committee on Forestry,

House Bill No. 319, An act relating to the equipment of portable mills.

To the Committee on State Hospital,

House Bill No. 373, An act relating to commitment to the state hospital.

To the Committee on Claims,

House Joint Resolution No. 52, Joint resolution in favor of Robert Ramig.

### Committee Reports

Senator Marcoux for the Committee on Ways and Means, to whom was referred,

House Bill No. 316, An act regulating the taxation of timber blown down by the hurricane of September 21, 1938.

Having considered the same, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and recommendation of the committee adopted.

Senator Mitchell for the Committee on Fisheries and Game to whom was referred,

House Bill No. 83, An act relating to fur-bearing animals.



Having considered the same, reported the same without amendment and recommended its passage.

The report was accepted, recommendation of the committee adopted, and the bill ordered to a third reading this afternoon at two o'clock.

Senator Munroe for the Committee on Fisheries and Game, to whom was referred,

House Bill No. 256, An act relating to bait and fly fishing in Ledge Pond in Madison.

Having considered the same, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and recommendation of the committee adopted.

Senator Bond for the Committee on Banks to whom was referred,

House Bill No. 148, An act relating to Building and Loan Associations.

Having considered the same, reported the same with the following amendments and recommended that the bill as amended ought to pass.

Amend section 9 of said bill by striking out said section and inserting in place thereof the following:

9. *Withdrawal of Shares.* Amend said chapter 266 by inserting after section 17 the following new section: 17-a. *Limitation.* For shares issued after July 1, 1939, corporations may by by-law provide that when the aggregate of calls for withdrawal exceeds the funds available the directors may limit the amount to be paid each month to each withdrawing shareholder provided that said limitation shall not apply to calls for withdrawals of amounts of one hundred dollars or less to a shareholder, and further provided the amount to be paid on calls for over one hundred dollars shall in no event be limited to less than one hundred dollars each month.

Amend section 10 of said bill by striking out said section and inserting in place thereof the following:

10. *Investment of Excess Funds.* Amend section 14-c of said chapter 266 as inserted by section 3, chapter 106, Laws of 1937, by inserting after paragraph II the following new paragraphs: III. In the shares of any other building and loan association, savings and loan association or co-operative bank doing business in this state provided that the limitation imposed by section 22 shall apply to investments hereunder and no association shall sell shares to another corporation, nor permit the transfer of shares, in excess of said limitation. IV. In notes secured by mortgage which the federal housing administrator has insured, or made commitment to insure, if the laws of the United States entitle the mortgagee to receive payment of such insurance in cash or in debentures fully guaranteed as to principal and interest by the United States.

Amend section 13 of said bill by striking out said section and inserting in place thereof the following:

13. *Consolidation of Corporations.* Amend chapter 266 of the Public Laws by inserting after section 25-a, as inserted by section 6, chapter 106, Laws of 1937, the following new section: 26. *Procedure.* Any building and loan association incorporated under the laws of this state, or the holders of a majority of the stock thereof, and any co-operative bank, incorporated under the laws of this state, or the holders of a majority of the stock thereof, or any other building and loan association incorporated under the laws of this state, or the holders of a majority of the stock thereof, may apply by petition to the superior court for a decree authorizing a union of said building and loan association with said co-operative bank or other building and loan association and a dissolution of said first named build-

ing and loan association in the manner as provided by chapter 263 of the Public Laws, as amended by chapter 27 of the Laws of 1933.

The report was accepted, amendments adopted and the bill as amended ordered to a third reading this afternoon at two o'clock.

### Bills Engrossed

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled bills:

House Bill No. 106, An act relating to registration fees for vehicles carrying special equipment.

House Bill No. 129, An act relating to fraternal benefit societies.

House Bill No. 157, An act to close Forest lake, Winchester, to ice fishing.

House Bill No. 158, An act to close the tributaries to Pisgah reservoir in the town of Winchester to all fishing.

House Bill No. 328, An act relating to ice cream and sherbets.

House Bill No. 334, An act relating to the Union School District in Concord.

OLIVER MUNROE,  
*For the Committee.*

On motion of Senator Munroe, the following resolution was adopted:

*Resolved*, That the Senate recede from its position in adopting the amendments to House Bill No. 146, An act relating to the registration of registered nurses as proposed by the Committee on Engrossed Bills.

On motion of Senator Smart, the rules were suspended and all business in order for this afternoon at two o'clock was made in order at the present time.

### Third Readings

The following entitled bills were read a third time and passed.

House Bill No. 83, An act relating to fur bearing animals.

House Bill No. 148, An act relating to Building and Loan Associations.

On motion of Senator James, the following resolution was adopted:

*Resolved*, That when the Senate adjourns this morning it adjourn to meet Saturday morning at ten o'clock and when it adjourns Saturday morning it adjourn to meet Tuesday morning at eleven o'clock.

On motion of Senator Bond, the Senate adjourned.

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SATURDAY, APRIL 1, 1939.

The Senate met according to adjournment.

The President presiding.

There being manifestly no quorum present, the President declared the Senate adjourned.

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TUESDAY, APRIL 4, 1939.

The Senate met according to adjournment.

### Leave of Absence

Senator Noel was granted leave of absence for the day on account of illness.

### House Message

The following message was received from the House of Representatives by its Clerk:

*Mr. President:*

The House of Representatives has passed the following entitled bill and joint resolution in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 362, An act authorizing the board of accountancy to make rules and regulations.

House Joint Resolution No. 13, Joint resolution in favor of James F. Donahue and George C. Hamlin.

The message further stated that the House of Representatives has voted to concur with the Honorable Senate in the passage of the following entitled bills sent down from the Honorable Senate:

Senate Bill No. 32, An act relative to the attachment of number plates on motor vehicles.

Senate Bill No. 34, An act relative to reports to be made by courts to the Motor Vehicle Department.

Senate Bill No. 36, An act relative to the registration fee of non-resident circus motor vehicles.

The message further stated that the House of Representatives invited the Honorable Senate to meet with them this afternoon at 3:00 o'clock to attend an address by the Honorable H. Styles Bridges.

On motion of Senator Weston, the Senate voted to accept the invitation extended by the House of Representatives.

### **Read and Referred**

The following entitled bill and joint resolution sent up from the House of Representatives were read a first and second time and referred,

To the Committee on Revision of Laws,

House Bill No. 362, An act authorizing the board of accountancy to make rules and regulations.

To the Committee on Claims,

House Joint Resolution No. 13, Joint resolution in favor of James F. Donahue and George C. Hamlin.

### Committee Reports

Senator Munroe for the Committee on Fisheries and Game to whom were referred,

House Bill No. 219, An act closing certain waters in the towns of Cambridge and Errol to fishing.

House Bill No. 248, An act relating to fishing in Big Brook, Pittsburg.

House Bill No. 167, An act to close Zealand River and certain of its tributaries to fishing.

Senate Bill No. 48, An act relative to taking lake trout and pickerel from Stinson lake.

Having considered the same, reported the same without amendment and recommended their passage.

The reports were accepted, recommendations of the committee adopted and the bills ordered to a third reading this afternoon at two o'clock.

Senator Munroe for the Committee on Fisheries and Game to whom was referred,

House Bill No. 247, An act relating to the taking of brook trout in the Connecticut River and Perry Stream.

Having considered the same, reported the same with the following amendment and recommended that the bill as amended ought to pass.

Amend section 1 of the bill by striking out the words "and in Perry stream from the Happy Corner bridge, so-called, to the Connecticut river all"; so that said section as amended will read:

1. Amend chapter 155 of the Laws of 1935 as amended by chapter 145 of the Laws of 1937 by striking out, in paragraph I, section 1, the words "the Connecticut river from the First Connecticut lake dam to the covered bridge at the Archie Heath place so-called, in Pittsburg; further amend by adding after paragraph X, section 1 of chapter 145 the following new paragraph XI:



XI. Brook trout not less than seven inches in length may be taken from June first to October first in the Connecticut river from the First Connecticut lake dam to the covered bridge at the Archie Heath place, so-called, in Pittsburg. No person shall take, in one day, more than ten fish nor more than five pounds in weight when taken provided that if he has taken less than ten in number and five pounds in weight he shall be entitled to one additional fish.

The report was accepted, amendment adopted and the bill as amended ordered to a third reading this afternoon at two o'clock.

On motion of Senator Munroe the Senate voted to reconsider the vote whereby the amendment was adopted and the bill ordered to a third reading, and the bill was recommitted to the Committee on Fisheries and Game for further consideration.

Senator Munroe for the Committee on Fisheries and Game to whom was referred,

House Bill No. 203, An act relating to the taking of raccoon.

Having considered the same, reported the same with the following amendment and recommended that the bill as amended ought to pass.

Amend section 1 of said bill by striking out said section and inserting in place thereof the following:

1. *Method of Taking.* Amend section 3, chapter 200, Public Laws, as inserted by section 4, chapter 124, Laws of 1935, and as amended by chapter 132, Laws of 1937, by striking out said section and inserting in place thereof the following: 3. *Raccoons.* Raccoons may be taken and possessed with the aid of and by the use of a dog and gun from October first to December first. No person shall take more than three raccoons from twelve noon of one day to twelve noon of the following day, nor more than ten raccoons in one season. No

person shall hunt raccoons at night by the use of a rifle, revolver or pistol larger than twenty-two calibre long or by the use of shotgun shells carrying shot larger than number four and no person shall hunt raccoons at night by the use of any light except a kerosene lantern, a gasoline lantern or a flashlight with seven cells or less.

The report was accepted, amendment adopted and the bill as amended ordered to a third reading this afternoon at two o'clock.

Senator Lazure for the Committee on Engrossed Bills to whom was referred,

House Bill No. 249, An act to close Inlet brook tributary to Back lake in Pittsburg.

Having considered the same, reported the same under Joint Rule No. 6 with the following amendment and recommended that the bill as amended ought to pass.

Amend section 1 of said bill by striking out the first three lines and inserting in place thereof the following:

1. *Closed to All Fishing.* Amend paragraph 1, section 7, chapter 155, Laws of 1935, as inserted by section 4, chapter 96, Laws of 1937, by adding at the end thereof the following:

The report was accepted, amendment adopted and the bill as amended sent to the House of Representatives for concurrence in the Senate amendment.

Senator Lazure for the Committee on Engrossed Bills to whom was referred,

House Bill No. 162, An act to close Lake Katherine in the town of Piermont to all fishing.

Having considered the same, reported the same under Joint Rule No. 6 with the following amendment and recommended that the bill as amended ought to pass.

Amend section 1 of said bill by striking out the first five lines and inserting in place thereof the following:

1. *Lake Katherine.* Amend section 7 of chapter 155 of the Laws of 1935, as inserted by section 4, chapter 96, Laws of 1937, by inserting after paragraph XII, as inserted by chapter 35, Laws of 1939, the following new paragraph: XIII.

The report was accepted, amendment adopted and the bill as amended sent to the House of Representatives for concurrence in the Senate amendment.

### **Bills Engrossed**

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled bills:

House Bill No. 259, An act relating to the powers of the superior court.

House Bill No. 346, An act to legalize the biennial election held on the eighth day of November, 1938, in the town of Middleton.

OLIVER H. MUNROE,  
*For the Committee.*

### **Introduction of Bill**

Senator Mahoney for the Committee on Rules introduced the following entitled bill sponsored by Senator Spaulding, which was read a first and second time, laid upon the table to be printed and referred,

To the Committee on Judiciary,

Senate Bill No. 55, An act relating to bookies.

On motion of Senator Bond, the rules were suspended and all business in order for this afternoon at two o'clock was made in order at the present time.

### Third Readings

The following entitled bills were read a third time and passed.

House Bill No. 219, An act closing certain waters in the towns of Cambridge and Errol to fishing.

House Bill No. 248, An act relating to fishing in Big Brook, Pittsburg.

House Bill No. 167, An act to close Zealand River and certain of its tributaries to fishing.

Senate Bill No. 48, An act relative to taking lake trout and pickerel from Stinson Lake.

House Bill No. 203, An act relating to the taking of raccoon.

On motion of Senator James the Senate adjourned.

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WEDNESDAY, APRIL 5, 1939.

The Senate met according to adjournment.

### Leaves of Absence

Senators Marcoux and Mahoney were granted leaves of absence for the day on account of important business.

Senator Dale was granted leave of absence on account of illness.

### House Message

The following message was received from the House of Representatives by its Clerk:

*Mr. President:*

The House of Representatives passed the following entitled bills in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 46, An act relative to primary petitions and nominations of candidates at the primary elections.

House Bill No. 93, An act relating to the open and closed season for taking fish in certain waters.

House Bill No. 156, An act opening Pillsbury Reservation in Washington to all fishing except ice fishing.

House Bill No. 216, An act relating to the duties of the register of probate.

House Bill No. 349, An act relative to the collection of legacy taxes upon certain contingent devices and bequests.

House Bill No. 359, An act relating to the issuance of no par value stock by co-operative marketing associations.

House Bill No. 380, An act relating to brook trout.

The message further stated that the House of Representatives has passed the following concurrent resolution in the passage of which it asks the concurrence of the Honorable Senate:

Concurrent Resolution "Memorializing Congress of the United States to provide ample old age security and to insure complete and impartial consideration of the 'General Welfare Act of 1939'".

The message further stated that the House of Representatives had voted to adopt the amendments offered by the Committee on Engrossed Bills, to the following house bills, in the adoption of which amendments the House of Representatives asked the concurrence of the Honorable Senate:

House Bill No. 186, An act relating to school busses.

Amend section 1 of said bill by striking out the words "motor vehicle" in the seventh line and inserting in place thereof the words school bus.

On motion of Senator Weston the Senate voted to concur with the House of Representatives in the

adoption of the amendment offered by the Committee on Engrossed Bills.

House Bill No. 148, An act relating to building and loan associations.

Amend the title of said bill by striking out the same and inserting in place thereof the following:

An act relating to building and loan associations, legal investments of guardians and trustees of town trust funds.

Amend section 3 of said bill by striking out the first three lines and inserting in place thereof the following:

3. *Share Certificates.* Amend section 13 of said chapter 266 as amended by chapter 26, Laws of 1933, by inserting after the word "paid up" in the third line the word, share, so that said section as amended shall read as follows:

Amend section 4 of said bill by striking out said section.

Amend section 5 of said bill by renumbering and striking out the first line and inserting in place thereof the following:

4. *Paid up Share Certificates.* Amend section 21 of said chapter 266 by inserting the word share after the words

Amend section 6 of said bill by renumbering to read section 5, and by striking out the first line and inserting in place thereof the following:

5. *Amendment.* Amend section 23 of said chapter 266 by inserting the word, share, before the word

Amend section 7 of said bill by renumbering to read section 6, and by striking out the first line and inserting in place thereof the following:

6. *Amendment.* Amend section 24 of said chapter 266 by inserting the word, share, after the words

Amend section 8 of said bill by renumbering to read



section 7, and by striking out the first three lines and inserting in place thereof the following:

7. *Investment Share Certificates.* Amend section 25 of said chapter 266, as amended by section 2 of chapter 82 of the Laws of 1935 and by section 5, chapter 106, Laws of 1937, by inserting before the word "certificates" where it occurs in the seventh and ninth lines the word, share, so that said section as amended shall read as follows:

Amend section 9 of said bill by renumbering to read section 8.

Amend section 10 of said bill by renumbering to read section 9.

Amend section 11 of said bill by renumbering to read section 10 and by striking out the first two lines and inserting in place thereof the following:

10. *Investment by Guardians.* Amend paragraph II of section 22 of chapter 290 of the Public Laws, as amended by chapter 71, Laws of 1931, and chapter 8, Laws of 1937, by adding at the end

Amend section 12 of said bill by renumbering to read section 11.

On motion of Senator Fairbanks the Senate voted to concur with the House of Representatives in the adoption of the amendments offered by the Committee on Engrossed Bills.

### Read and Referred

The following entitled bills sent up from the House of Representatives were read a first and second time and referred,

To the Committee on Judiciary,

House Bill No. 216, An act relating to the duties of the register of probate.

House Bill No. 349, An act relative to the collection of legacy taxes upon certain contingent devices and bequests.

Concurrent Resolution "Memorializing Congress of the United States to provide ample old age security and to insure complete and impartial consideration of the 'General Welfare Act of 1939'".

To the Committee on Revision of Laws,

House Bill No. 46, An act relative to primary petitions and nominations of candidates at the primary elections.

To the Committee on Fisheries and Game,

House Bill No. 93, An act relating to the open and closed season for taking fish in certain waters.

House Bill No. 156, An act opening Pillsbury Reservation in Washington to all fishing except ice fishing.

House Bill No. 380, An act relating to brook trout.

To the Committee on Agriculture,

House Bill No. 359, An act relating to the issuance of no par value stock by co-operative marketing associations.

### Committee Reports

Senator Lazure for the Committee on Judiciary to whom was referred,

House Bill No. 82, An act making sundry changes in the sale of securities law.

Having considered the same, reported the same with the following amendments, and recommended that the bill as amended ought to pass.

Amend the bill by striking out all after the enacting clause and substituting therefor the following:

1. Amend section 5 of chapter 284 of the Public Laws, as amended by section 3 of chapter 35 of the Laws of 1937, by striking out the whole of said section and inserting in place thereof the following: 5. *Status as Dealers in Securities.* Such corporation and

its officers, agents and employees so licensed shall be regarded as dealers in securities under the provisions of this chapter. Such licensees shall furnish to the commissioner, upon a form to be furnished by him, under the oath of such responsible officer of the corporation as the commissioner may require, an annual financial statement, and whenever requested by the commissioner shall furnish such additional and other statements under such oath, concerning the assets, liabilities, and other financial matters of the corporation as he may require.

2. Amend section 8-a of chapter 284 of the Public Laws as inserted by section 4 of chapter 35 of the Laws of 1937, by striking out said section and inserting in place thereof the following: 8-a. *Information and Financial Statements.* The commissioner may examine or cause to be examined at the expense of the applicant or dealer the affairs and condition of a registered dealer in securities or an applicant who desires to become registered as such dealer. An applicant shall furnish in addition to the information required in the application such other documentary evidence of condition and responsibility as the commissioner may require, including without limiting the generality of the foregoing, authentic copies of articles of incorporation, partnership agreements, by-laws, balance sheets and earning statements. Every licensed dealer in securities shall furnish under the oath of such responsible member or members of the dealers' organization as the commissioner may require an annual statement exhibiting with reasonable detail the assets, liabilities, and other financial matters of the dealer, upon a form to be furnished by the commissioner, and whenever requested by the commissioner shall furnish such additional and other statements under such oath concerning the business of the dealer as he may require.

3. Amend section 11 of chapter 284 of the Public Laws as amended by section 5 of chapter 35 of the Laws of 1937, by striking out said section and inserting in the place thereof the following: 11. *Period of Time for Investigation*. The application filed with the commissioner for registration as a dealer may be held for investigation for a period of four weeks from the date when the application reaches the commissioner.

4. Section 13 of chapter 284 of the Public Laws as amended by section 7 of chapter 35 of the Laws of 1937 is hereby repealed.

5. Amend section 28-a of chapter 284 of the Public Laws, as inserted by section 10 of chapter 35 of the Laws of 1937, by striking out the whole thereof and inserting in place thereof the following: 28-a. *Qualification of Securities*. No registered dealer or his salesmen or agents shall sell or offer for sale securities, except those legal for investments for savings banks in this state and except such other securities as may be designated under such rules and regulations as the commissioner may prescribe, unless such sale has been approved by the commissioner. A dealer desiring to qualify such securities shall submit to the commissioner such descriptive, statistical or documentary information as he may require. The Commissioner shall within five days after such information is submitted approve or disapprove the sale of such securities and so notify the dealer. The commissioner may prescribe rules and regulations to carry out the purposes hereof.

6. This act shall take effect upon its passage.

The report was accepted, amendments adopted and the bill as amended ordered to a third reading this afternoon at two o'clock.

Senator Lazure for the Committee on Judiciary to whom was referred,

House Bill No. 139, An act relative to the payment of poll taxes.

Having considered the same, reported the same with the following amendments and recommended that the bill as amended ought to pass.

On motion of Senator Lazure, further reading of the amendment was dispensed with.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *Payment of Poll Taxes Required.* No resident of New Hampshire shall be entitled to receive a permit to register a motor vehicle, a license to operate a motor vehicle, or a license to hunt or fish within this state, until he shall furnish evidence, as provided in section 2, that he has paid his poll tax in the town where he resides for the tax year preceding the date of his application for such permit or license, or that he has been excused from such payment by the taxing authority of the town where he resides.

2. *Receipt or Sworn Statement.* Any applicant for permit to register a motor vehicle, for a license to operate a motor vehicle or for a license to hunt or fish shall, before he receives such permit or license, furnish to the issuing officer the receipt of the tax collector of the town where he resides showing that he has paid his poll tax in said town for the tax year preceding the date of such application, or make oath that he has paid said tax or that he has been excused from such payment.

3. *Definitions.* A person shall be considered to have been excused from paying a poll tax if it shall have been abated by the taxing authority, or if he is exempt from such tax, or if he shall obtain from the



selectmen of a town or the assessors of a city a statement that in their opinion he should be granted such permit or license even though such tax may not have been paid.

4. *False Statements; Penalty.* Whoever makes a false statement relative to payment of a poll tax as provided for herein shall be fined twenty-five dollars and the making of such false statement shall be cause for the revocation of such permit or license for a period not exceeding three months. The court shall not have authority to suspend the fine provided for in this section.

5. *Disposition of Fines.* All fines collected under the provisions of this act against any violator prosecuted by employees of, or on behalf of, the motor vehicle department or the fish and game department shall be for the use of the department making the prosecution and the court or justice of any court in which a complaint for a violation hereof is prosecuted by or on behalf of said departments shall, within thirty days after any fine is paid remit the amount thereof to the respective department.

6. *Repeal.* Chapter 132 of the Laws of 1933, relative to payment of poll taxes, is hereby repealed.

7. *Takes Effect.* This act shall take effect upon its passage.

The report was accepted, amendments adopted and the bill as amended ordered to a third reading this afternoon at two o'clock.

Senator Lazure for the Committee on Judiciary, to whom were referred,

Senate Bill No. 29, An act regulating the sale, transfer and possession of pistols, prescribing penalties and



rules of evidence and arrest and to make uniform the law with reference thereto.

Senate Bill No. 31, An act relating to contracts and orders for public printing.

Having considered the same, reported the same with the following resolution:

*Resolved*, That they are inexpedient to legislate.

The reports were accepted, and recommendations of the committee adopted.

Senator Avery for the Committee on Revision of Laws, to whom was referred,

Senate Bill No. 5, An act relative to conduct of candidates at primaries and elections and notification of candidates by the Secretary of State.

Having considered the same, reported the same with the following amendment and recommended that the bill as amended ought to pass.

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1. *Primaries and Elections*. Amend chapter 26 of the Public Laws by inserting after section 86 the following new section: 86-a. *Distribution of Cards, etc.* No person as candidate for office or representing or working for a candidate shall, within the building where an election is being held, distribute any cards or other printed or written matter or solicit votes for or in behalf of such candidates. Whoever violates any of the provisions of this section shall be fined not more than one hundred dollars.

The report was accepted, amendment adopted and the bill as amended ordered to a third reading this afternoon at two o'clock.

Senator Avery, for the Committee on Revision of Laws, to whom was referred,

Senate Bill No. 42, An act relative to operation of motor tractors by unlicensed operators,

Having considered the same, reported the same with the following amendments and recommended that the bill as amended ought to pass.

Amend said bill by inserting after section 1 the following new section:

2. *Application of Laws.* Amend chapter 101 of the Public Laws by inserting after section 10 the following new section: 10-a. *Agricultural Tractors.* The provisions of section 9 shall not apply to an operator of a tractor used for agricultural purposes only and used on the public highway only between portions of the farm upon which said tractor is operated that are not more than two miles apart by the highway at the points of entering upon or leaving.

Further amend said bill by renumbering section 2 to read section 3.

The report was accepted, amendments adopted and the bill as amended ordered to a third reading this afternoon at two o'clock.

Senator Avery, for the Committee on Revision of Laws, to whom was referred,

House Bill No. 179, An act establishing county commissioner districts in the County of Cheshire,

Having considered the same, reported the same without amendment and recommended its passage.

The report was accepted and the bill ordered to a third reading this afternoon at two o'clock.

Senator Brouillette, for the Committee on Labor, to whom was referred,

House Bill No. 68, An act relative to the law regarding one day rest in seven,

Having considered the same, reported the same without amendment and recommended its passage.

The report was accepted and the bill ordered to a third reading this afternoon at two o'clock.

Senator Avery, for the Committee on Military Affairs and Soldiers' Home, to whom was referred,

House Joint Resolution No. 47, Joint resolution in favor of the New Hampshire Veterans' Association,

Having considered the same, reported the same with the following amendment and recommended that the joint resolution as amended ought to pass.

Amend the joint resolution by striking out all after the word "expended" in the tenth and eleventh lines and substituting therefor the following, by a suitable agent to be appointed by the governor and council, and the governor is authorized to draw his warrant for the payment of said sums out of any money in the treasury not otherwise appropriated; so that said joint resolution as amended will read:

That the sum of nine thousand dollars (\$9,000) be and hereby is appropriated to replace and repair buildings, appurtenances and grounds owned by the New Hampshire Veterans' Association at The Weirs, damaged and destroyed by the storm of September 21, 1938. Said appropriation shall be expended by a suitable agent to be appointed by the governor and council, and the governor is authorized to draw his warrant for the payment of said sums out of any money in the treasury not otherwise appropriated.

The report was accepted, amendment adopted, and the bill as amended was referred to the Committee on Finance under the rules.

### **Bills Engrossed**

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled bills:

House Bill No. 44, An act relating to the open season for taking pickerel from Umbagog lake and Leonard pond.

House Bill No. 66, An act relating to landlord and tenant.

House Bill No. 146, An act relating to the registration of registered nurses.

House Bill No. 254, An act relating to pedestrians.

House Bill No. 332, An act relating to the Fraternal Order of Eagles of Manchester, N. H.

OLIVER H. MUNROE,  
*For the Committee.*

### **Bill Recalled from the House of Representatives**

On motion of Senator Munroe the following resolution was adopted:

*Resolved*, That the House of Representatives be requested to return to the Senate for further consideration the following entitled bill:

House Bill No. 330, An act to close Dimond pond, otherwise known as Tom pond in Warner to ice fishing.

### **Bill Returned from the House of Representatives**

Pursuant to the foregoing resolution, the House of Representatives returned to the Senate, for further consideration, the following entitled bill:

House Bill No. 330, An act to close Dimond pond, otherwise known as Tom pond in Warner to ice fishing.

On motion of Senator Munroe the rules were so far suspended as to allow the reconsideration of the vote on the above entitled bill.

On motion of the same Senator the vote whereby the foregoing bill passed was reconsidered.

On motion of the same Senator the vote whereby the bill was ordered to a third reading was reconsidered.

On motion of the same Senator the vote whereby the Senate adopted the amendment to the foregoing bill was reconsidered.

The bill being on its second reading and open to further amendment, was ordered to a third reading this afternoon at two o'clock.

On motion of Senator Bryant, the rules were so far suspended that all business in order for this afternoon at two o'clock was made in order at the present time.

### Third Readings

The following entitled bills were read a third time and passed:

House Bill No. 82, An act making sundry changes in the sale of securities law.

House Bill No. 139, An act relative to the payment of poll taxes.

Senate Bill No. 5, An act relative to conduct of candidates at primaries and elections and notification of candidates by the Secretary of State.

Senate Bill No. 42, An act relative to operation of motor tractors by unlicensed operators.

House Bill No. 179, An act establishing county commissioner districts in the County of Cheshire.

House Bill No. 68, An act relative to exceptions to the law regarding one day rest in seven.

House Bill No. 330, An act to close Dimond pond, otherwise known as Tom pond in Warner.

On motion of Senator Munroe the Senate adjourned.

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THURSDAY, APRIL 6, 1939.

The Senate met according to adjournment.

### Leaves of Absence

Senators Noel and Dale were granted leaves of absence for the day on account of important business.

### House Message

The following message was received from the House of Representatives by its Clerk:

*Mr. President:*

The House of Representatives has passed the following entitled bills in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 115, An act relating to election of county officers.

House Bill No. 214, An act authorizing village districts to organize for recreational promotion.

House Bill No. 343, An act relative to the powers of the State Board of Health.

House Bill No. 385, An act relating to certain waters in Carroll County.

The message further stated that the House of Representatives refused to concur with the Honorable Senate in the passage of the following entitled bill with amendment sent down from the Honorable Senate and asked that a Committee of Conference be appointed.

House Bill No. 203, An act relating to the taking of raccoon.

The Speaker had appointed on the part of the House Messrs. Converse of Pittsburg, Rowden of Northumberland and Demsey of Franklin.

On motion of Senator Mitchell, the Senate voted to accede to the request of the House of Representatives for a Committee of Conference, and the President appointed as members of the committee on the part of the Senate Senators Estabrook and Munroe.

The message further stated that the House of Representatives had voted to concur with the Honorable Senate in the passage of the following entitled bill:

Senate Bill No. 25, An act relating to mortuary regulations.



### Read and Referred

The following entitled bills sent up from the House of Representatives were read a first and second time and referred,

To the Committee on Judiciary,

House Bill No. 115, An act relating to election of county officers.

House Bill No. 214, An act authorizing village districts to organize for recreational promotion.

To the Committee on Public Health,

House Bill No. 343, An act relative to the powers of the State Board of Health.

To the Committee on Fisheries and Game,

House Bill No. 385, An act relating to certain waters in Carroll County.

### Committee Reports

Senator James, for the Committee on Public Improvements, to whom was referred House Bill No. 341, An act relative to the protection of state and other highways,

Having considered the same, reported the same with the following amendments and recommended that the bill as amended ought to pass.

Amend said bill by striking out section 1 and inserting in place thereof the following:

1. *Highway Approachés.* Amend chapter 91 of the Public Laws by inserting after section 2 the following new section: 2-a. *Permit.* It shall be unlawful to construct or maintain any driveway, entrance or approach within the limits of the right of way of a state, state-aided, secondary or trunk line highway without a written permit from the state highway commissioner. The state highway commissioner is authorized to make such rules and regulations as to the grade

and location of the driveways, entrances and approaches on said highways as will adequately protect and promote the safety of the traveling public except that in no case shall ingress and egress to property abutting the highway be denied. No such permit shall be required for any existing driveway, entrance or approach unless the grade or location of the same is changed or altered.

The report was accepted, amendments adopted and the bill as amended ordered to a third reading this afternoon at two o'clock.

Senator Noel, for the Committee on Public Health, to whom was referred Senate Bill No. 45, An act relative to the sale and use of fireworks,

Having considered the same, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and recommendation of the committee adopted.

Senator Lazure, for the Committee on Judiciary, to whom was referred House Bill No. 36, An act relating to the preservation of ballots at town or school district meetings,

Having considered the same, reported the same with the following amendments, and recommended that the bill as amended ought to pass.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *Preservation of Ballots after Town Election.*  
The provisions of section 90, chapter 26, Public Laws, as amended by section 14, chapter 80, Laws of 1937, and section 91 of said chapter 26, relative to sealing, certifying and delivering ballots to the town clerk shall apply to the preservation of ballots for the election of town officers after an annual town meeting,

provided that such ballots remaining in possession of the town clerk except as hereinafter provided shall be destroyed at the expiration of thirty days after said election.

2. *Application for Recount.* If any person for whom a vote was cast and recorded for any office at an annual town meeting shall, before the expiration of fifteen days from the date of the meeting, apply in writing to the town clerk for a recount of the ballots given for all persons for such office and shall state in his application the names of the opposing candidates, the said clerk shall appoint a time for the recount not earlier than seven days nor later than ten days after the receipt of said application.

3. *Notice; Fee.* The clerk shall order the applicant to give notice thereof by giving to each of the opposing candidates, or leaving at his place of abode, a copy of the application and order of notice five days at least prior to the day so appointed for the recount of ballots. No other notice shall be required. The applicant for such recount shall pay to the town clerk, for the use of the town, a fee of ten dollars.

4. *Recount.* At the time and place so appointed and notified the clerk shall openly and publicly break the seal of and open the package in which the ballots of said meeting are kept and thereupon said ballots shall be recounted by the clerk, the moderator and the selectmen of said town who shall constitute the board of recount.

5. *Preservation of Ballots.* Upon the conclusion of the recount the clerk shall place the ballots and all envelopes or wrappers which had previously contained them in a new envelope showing the contents and the date when and the reason why it was opened and ex-

amined and said clerk shall retain said ballots until the expiration of thirty days from the date of the meeting unless some action is pending which makes their further preservation necessary or unless enjoined by action brought before the superior court.

6. *Declaration of Results.* If in case of a recount of votes for town officer it shall appear that a person was elected other than the person declared by the moderator to have been elected the board of recount for said town shall declare such person elected and shall, after five days from such declaration, if no appeal is taken, certify such declaration to the town clerk. The town clerk shall record the certificate and the person so declared by the board of recount to have been elected shall, unless the result is changed upon appeal to the superior court, be the duly elected officer of such town.

7. *Appeal.* Any person aggrieved by any ruling of the board of recount with respect to any ballot so recounted may, within five days thereafter, appeal to the superior court for the county in which such town is located, which court shall have jurisdiction in equity to hear and determine the questions presented.

8. *Application of Act.* The foregoing provisions of this act shall be in effect in all towns which have adopted the so-called Australian ballot system as provided in section 88, chapter 26, of the Public Laws.

9. *School Districts.* Any school district which shall have voted to elect its school district officers by an official ballot to be prepared by the clerk of said district shall be governed by the provisions of this act relative to preservation of ballots and recounts

thereof. In case of such a school district the district clerk shall have all the powers and duties of a town clerk as hereby provided and the board of recount for said district shall consist of the school district clerk, the moderator and the members of the school board. The fee for recount in case of such district shall be paid to the clerk for the use of the district.

10. *Takes Effect.* This act shall take effect upon its passage.

On motion of Senator Lazure further reading of the amendments was dispensed with.

The report was accepted, amendments adopted, and the bill as amended ordered to a third reading this afternoon at two o'clock.

### Bills Engrossed

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled bills:

Senate Bill No. 32, An act relative to the attachment of number plates on motor vehicles.

Senate Bill No. 34, An act relative to reports to be made by courts to the motor vehicle department.

Senate Bill No. 36, An act relative to the registration fee of non-resident circus motor vehicles.

House Bill No. 112, An act relating to the stimulation of race horses.

House Bill No. 148, An act relating to building and loan associations, legal investments of guardians and trustees of town trust funds.

House Bill No. 162, An act to close Lake Katherine in the town of Piermont to all fishing.

House Bill No. 186, An act relating to school busses.

House Bill No. 249, An act to close New Inlet brook, tributary to Back lake, Pittsburg, to fishing.

House Bill No. 325, An act relating to interstate authority for the Portsmouth-Kittery bridge and approaches thereto.

OLIVER MUNROE,  
*For the Committee.*

### **Bill Recalled From the Governor**

On motion of Senator Avery the following resolution was adopted:

*Resolved*, That His Excellency, the Governor, be requested to return to the Senate for further consideration the following entitled bill:

House Bill No. 269, An act relating to assignment of wage claims to labor commissioner for recovery by civil action.

### **Bill Returned from the Governor**

Pursuant to the foregoing resolution His Excellency returned to the Senate for further consideration the above entitled bill.

On motion of Senator Avery the rules were so far suspended as to allow the reconsideration of the vote on the above entitled bill.

On motion of the same Senator, the vote whereby the foregoing entitled bill passed was reconsidered.

On motion of the same Senator, the vote whereby the bill was ordered to a third reading was reconsidered.

On motion of the same Senator the bill was recommitted to the Committee on Revision of Laws.

### **Introduction of Bill**

Senator Weston, for the Committee on Rules, introduced the following entitled bill sponsored by Senator Chesley, which was read a first and second time, laid upon the table to be printed and referred to the Committee on Judiciary.



Senate Bill No. 56, An act relative to the qualifications of insurance agents.

On motion of Senator James, the rules were suspended, and all business in order for this afternoon at two o'clock, was made in order at the present time.

### Third Readings

The following entitled bills were read a third time and passed:

House Bill No. 36, An act relating to the preservation of ballots at town or school district meetings.

House Bill No. 341, An act relative to the protection of state and other highways.

On motion of Senator Brouillette, the following resolution was adopted:

*Resolved*, That when the Senate adjourns this morning it adjourn to meet Saturday morning at ten o'clock, and when it adjourns Saturday morning it adjourn to meet Tuesday morning at eleven o'clock.

On motion of Senator Bond, the Senate adjourned.

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SATURDAY, APRIL 8, 1939.

The Senate met according to adjournment.

The President presiding.

There being manifestly no quorum present, the President declared the Senate adjourned.

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TUESDAY, APRIL 11, 1939.

The Senate met according to adjournment.

### House Message

The following message was received from the House of Representatives by its Clerk:

*Mr. President:*

The House of Representatives has passed the following entitled bills in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 363, An act prohibiting trespass on the White Mountain National Forest in times of fire hazard.

House Bill No. 377, An act relative to appropriation for town advertising.

House Bill No. 378, An act relative to town appropriation for recreational purposes.

The message further stated that the House of Representatives has voted to concur with the Honorable Senate in the passage of the following entitled bill sent down from the Honorable Senate:

Senate Bill No. 44, An act relative to the inspection of motor vehicles.

The message further stated that the House of Representatives refused to concur with the Honorable Senate in the passage of the following entitled bills sent down from the Honorable Senate:

House Bill No. 139, An act relative to the payment of poll taxes, and asks for a Committee of Conference. The Speaker has appointed as members on such a Committee on the part of the House Messrs. Etsler of Claremont, Hamilton of Lisbon and Osborne of Sunapee.

On motion of Senator Weston, the Senate voted to accede to the request of the House of Representatives for a Committee of Conference and the President appointed as members of the Committee on the part of the Senate Senators Weston and Lazure.

House Bill No. 165, An act relating to the construction of sidewalks in the city of Nashua, and asks for a Committee of Conference. The Speaker has appointed as members on such a Committee on the part of

the House Messrs. Atherton, Underhill, and Grand-maison.

On motion of Senator Noel, the Senate voted to accede to the request of the House of Representatives for a Committee of Conference and the President appointed as members of the Committee on the part of the Senate Senators Noel and James.

### Read and Referred

The following entitled bills sent up from the House of Representatives were read a first and second time and referred,

To the Committee on Judiciary,

House Bill No. 363, An act prohibiting trespass on the White Mountain National Forest in times of fire hazard.

To the Committee on Revision of Laws,

House Bill No. 377, An act relative to appropriation for town advertising.

House Bill No. 378, An act relative to town appropriation for recreational purposes.

### Committee Reports

Senator Lazure for the Committee on Judiciary to whom was referred,

Senate Bill No. 53, An act relative to Sunday work for employees engaged in the work of communications.

Having considered the same, reported the same without amendment and recommended its passage.

The report was accepted, recommendation of the committee adopted and the bill ordered to a third reading this afternoon at two o'clock.

Senator Lazure for the Committee on Judiciary to whom was referred,

Senate Bill No. 54, An act relative to vehicles carrying wood sawing equipment.

Having considered the same, reported the same with the following amendment and recommended that the bill as amended ought to pass.

Amend section 1 of the bill by striking out the word "motor" wherever it occurs in the third line, and by inserting after the word "use" in the sixth line the following: unless such saw is covered with a suitable wooden guard; so that said section as amended will read:

1. *Prohibition.* Amend chapter 103 of the Public Laws by inserting after section 27 the following new section: 27-a. *Wood Sawing Equipment on Vehicles.* No vehicle, motor truck or trailer, carrying wood sawing equipment, shall be operated on the highways of this state when the saw is on the arbor, so-called, ready for use, unless such saw is covered with a suitable wooden guard. Any person who shall operate on the highways of this state a vehicle in violation of the provisions of this section shall be fined not less than twenty-five nor more than two hundred dollars.

The report was accepted, amendment adopted and the bill as amended ordered to a third reading this afternoon at two o'clock.

### Majority and Minority Report

A majority of the Committee on Judiciary to whom was referred,

Senate Bill No. 52, An act regulating the display of signs relating to prices of motor fuel.

Having considered the same, reported the same without amendment and recommended its passage.

WILLIAM WESTON,  
WILLIAM COLE,  
FRANK BRYANT,  
DENIS MAHONEY,  
RALPH ESTERBROOK,  
ALBERT LAZURE,

*For a Majority of the Committee.*

A minority of the Committee on Judiciary to whom was referred,

Senate Bill No. 52, An act regulating the display of signs relating to prices of motor fuels.

Having considered the same, reported the same without amendment and recommended its passage.

OLIVER H. MUNROE,

*For a Minority of the Committee.*

The report of the majority was accepted.

Senator Munroe moved that the report of the minority be substituted for that of the majority.

(Discussion ensued)

The question being stated, Shall the report of the minority be substituted for that of the majority?

On a *viva voce* vote the negative prevailed and the motion to substitute was lost.

The question being, Shall the recommendation of the majority be adopted?

On a *viva voce* vote the affirmative prevailed and the bill was ordered to a third reading this afternoon at two o'clock.

Senator Munroe for the Committee on Fisheries and Game to whom was referred,

House Bill No. 340, An act closing Miller and Stocker Ponds in the town of Grantham to ice fishing.

House Bill No. 380, An act relating to brook trout.

Having considered the same, reported the same without amendment and recommended their passage.

The reports were accepted, recommendations of the committee adopted and the bills ordered to a third reading this afternoon at two o'clock.

Senator O'Malley for the Committee on Finance to whom was referred,

House Joint Resolution No. 26, Joint resolution for a memorial work commemorating the sesquicentennial of the federal constitution.

Having considered the same, reported the same with the following amendment and recommended that the joint resolution as amended ought to pass.

Amend the joint resolution by adding at the end thereof the following: That one copy of the work shall be sent free of charge by the Secretary of State to each free public library established under the laws of the State of New Hampshire; so that said joint resolution as amended will read:

That the sum of two thousand dollars (\$2,000) be and hereby is appropriated for the compilation and publication of a memorial work commemorating New Hampshire's part in the federal constitution and its sesquicentennial celebration. Said sum shall be expended under the direction of the governor and council, provided that the work of collecting, editing and preparing for publication the material necessary for such publication shall be performed by the chairman of the sesquicentennial commission appointed to have charge of the 1938 celebration, and provided further that said publication shall include a reprint of the first one hundred and twenty pages of "A History of the New Hampshire Convention" by Joseph B. Walker, published in 1888. All copies of the work to be published hereunder shall be sold for such sums as the governor and council shall determine and all receipts from said sale shall be turned into the general funds of the state. The governor is hereby authorized to draw his warrant for the sum hereby appropriated out of any money in the treasury not otherwise appropriated. That one copy of the work shall be sent free of charge by the Secretary of State to each free public library established under the laws of the State of New Hampshire.



The report was accepted, amendment adopted and the joint resolution as amended ordered to a third reading this afternoon at two o'clock.

Senator Lazure for the Committee on Engrossed Bills to whom was referred,

House Bill No. 217, An act closing Elbow pond in Woodstock to ice fishing.

Having considered the same, reported the same under Joint Rule No. 6 with the following amendment and recommended that the bill as amended ought to pass.

Amend section 1 of said bill by striking out said section and inserting in place thereof the following:

1. *Closed to Ice Fishing.* Amend paragraph I of section 5 of chapter 155 of the Laws of 1935, as inserted by section 3, chapter 96, Laws of 1937, and as amended by chapter 58, Laws of 1939, by inserting after the word "Tuftonboro" the words, Elbow pond in Woodstock, so that said paragraph as amended shall read as follows: I. Arlington Mills reservoir, Big Dan Hole pond in Ossipee and Tuftonboro, Elbow pond in Woodstock, Ferrin pond in Weare, Gorham pond in Dunbarton, Forest lake in Winchester.

The report was accepted, amendment adopted and the bill as amended sent to the House of Representatives for concurrence in the Senate amendment.

Senator Lazure for the Committee on Engrossed Bills to whom was referred,

House Bill No. 167, An act to close Zealand river and certain of its tributaries to fishing.

Having considered the same, reported the same under Joint Rule No. 6 with the following amendment and recommended that the bill as amended ought to pass.

Amend section 1 by striking out the same and inserting the following:

1. *Closed to All Fishing.* Amend section 7 of chapter 155 of the Laws of 1935, as inserted by section 4, chapter 96, Laws of 1937, and as amended by an act entitled "An act to close the South branch of Gale river to fishing", by inserting at the end of said section the following new paragraph: XV. Zealand river for one-fourth mile above the point of intake and all tributaries thereto from its and their sources to the point of intake, so-called, of the public water supply of the Bethlehem village district, situated in the town of Bethlehem. Said waters being closed to fishing to prevent pollution of said water supply.

The report was accepted, amendment adopted and the bill as amended sent to the House of Representatives for concurrence in the Senate amendment.

Senator Lazure for the Committee on Engrossed Bills to whom was referred,

House Bill No. 176, An act to close the South branch of Gale river to fishing.

Having considered the same, reported the same under Joint Rule No. 6 with the following amendment and recommended that the bill as amended ought to pass.

Amend section 1 of said bill by striking out said section and inserting in place thereof the following:

1. *Closed to All Fishing.* Amend section 7 of chapter 155 of the Laws of 1935, as inserted by section 4, chapter 96, Laws of 1937, and as amended by an act approved April 1, 1939, entitled "An act to close Lake Katherine in the town of Piermont to all fishing", by inserting at the end of said section the following new paragraph: XIV. The South Branch of the Gale river in Franconia and Bethlehem for one-fourth mile above the point of the intake, so-called, of the Bethlehem Village district and all tributaries entering said

Gale river above said point of intake situated in the town of Franconia.

The report was accepted, amendment adopted and the bill as amended sent to the House of Representatives for concurrence in the Senate amendment.

Senator Lazure for the Committee on Engrossed Bills to whom was referred,

House Bill No. 232, An act providing for the incorporation of hospital service companies.

Having considered the same, reported the same under Joint Rule No. 6 with the following amendment and recommended that the bill as amended ought to pass.

Amend the second paragraph of section 6 of said bill by inserting before the word "such" in the third line the words, the form of, so that said paragraph as amended shall read as follows:

No hospital service corporation shall enter into any contract with subscribers unless and until it shall have filed with the insurance commissioner of the state a copy of the form of such contract, including all riders and endorsements thereof and until the said commissioner's approval thereof shall have been obtained. The insurance commissioner shall, within a reasonable time after the filing of any such form, notify such corporation either of his approval or disapproval thereof.

Amend section 7 by striking out the word "to" in the seventh line and inserting in place thereof the word, and.

Amend section 8 of said bill by striking out the word "company" and inserting in place thereof the word, corporation, in the first line of said section.

Amend the first paragraph of section 9 of the bill by striking out the word "rehabilitation" and inserting in place thereof the word, reorganization, so that said paragraph as amended shall read as follows:

Every such corporation shall be subject to liquidation, dissolution or reorganization and such proceeding shall be under the supervision of the commissioner of insurance who shall have such powers hereunder as he possesses in reference to domestic insurance corporations.

The report was accepted, amendment adopted and the bill as amended sent to the House of Representatives for concurrence in the Senate amendment.

Senator Lazure for the Committee on Engrossed Bills to whom was referred,

House Bill No. 83, An act relating to fur bearing animals.

Having considered the same, reported the same under Joint Rule No. 6 with the following amendments and recommended that the bill as amended ought to pass.

Amend the title of said bill by striking out the same and inserting in place thereof the following:

An act relating to an open season for taking beaver in Coos county.

Amend the paragraph numbered 5-a by striking out the words "setting forth" in the third line, by striking out the words "of said proposed open season" in the seventh and eighth lines and inserting in place thereof the word, thereof.

Amend the paragraph numbered 5-e by inserting after the word "transport" in the third line the words, except to a conservation officer, and by inserting before the word "trapping" in the seventh line the word lawfully.

The report was accepted, amendment adopted and the bill as amended sent to the House of Representatives for concurrence in the Senate amendment.

Senator Lazure for the Committee on Engrossed Bills to whom was referred,

House Bill No. 248, An act relating to fishing in Big Brook, Pittsburg.

Having considered the same, reported the same under Joint Rule No. 6 with the following amendment and recommended that the bill as amended ought to pass.

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1. *Brook Trout; Fly Fishing.* Amend section 1, chapter 155, Laws of 1935, as inserted by chapter 145, Laws of 1937, by inserting at the end of said section the following new paragraph: XI. Brook trout not less than ten inches in length may be taken from May first to October first from Big Brook and its tributaries between Big Brook bog and the highway leading from the First to the Second Connecticut lake, provided that no person may take from said waters more than five in number nor more than five pounds in weight when taken, in one day, except that if he has taken less than five in number or five pounds in weight he shall be entitled to take one additional fish.

The report was accepted, amendment adopted and the bill as amended sent to the House of Representatives for concurrence in the Senate amendment.

### Bills Engrossed

The Committee on Engrossed Bills reported that the committee had examined and found correctly engrossed the following entitled bills:

Senate Bill No. 25, An act relating to mortuary regulations.

House Bill No. 68, An act relative to exceptions to the law regarding one day's rest in seven.

House Bill No. 179, An act establishing county commissioner districts in the county of Cheshire.

ALBERT C. LAZURE,  
*For the Committee.*

### **Bill Recalled From the Governor**

On motion of Senator Spaulding the following resolution was adopted.

*Resolved*, That His Excellency, the Governor, be requested to return to the Senate for further consideration the following entitled bill:

House Bill No. 163, An act authorizing towns, cities and counties to acquire land for the purposes of flood control.

### **Bill Returned From the Governor**

Pursuant to the above request, His Excellency returned House Bill No. 163, An act authorizing towns, cities and counties to acquire land for the purposes of flood control.

On motion of Senator Spaulding the rules were so far suspended as to allow the reconsideration of the vote on the above entitled bill.

On motion of the same Senator the Senate voted to reconsider the vote whereby the bill passed.

On motion of the same Senator the Senate voted to reconsider the vote whereby the bill was ordered to a third reading.

On motion of the same Senator the bill was recommitteed to the Committee on Judiciary.

### **Introduction of Bill**

Senator Mahoney for the Committee on Rules introduced the following entitled bill sponsored by Senator Fairbanks, which was read a first and second time, laid upon the table to be printed and referred to the Committee on Judiciary.

. Senate Bill No. 57, An act relative to the use of number plates on motor vehicles.

On motion of Senator Bond the rules were suspended and all business in order for this afternoon at two o'clock was made in order at the present time.



### Third Readings

The following entitled bills and joint resolution were read a third time and passed :

Senate Bill No. 52, An act regulating the display of signs relating to prices of motor fuel.

Senate Bill No. 53, An act relative to Sunday work for employees engaged in the work of communications.

Senate Bill No. 54, An act relative to vehicles carrying wood sawing equipment.

House Bill No. 380, An act relating to brook trout.

House Bill No. 340, An act closing Miller and Stocker Ponds in the town of Grantham to ice fishing.

House Joint Resolution No. 26, Joint resolution for a memorial work commemorating the sesquicentennial of the federal constitution.

On motion of Senator Brouillette the Senate adjourned.

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WEDNESDAY, APRIL 12, 1939.

The Senate met according to adjournment.

### House Message

The following message was received from the House of Representatives by its Clerk :

*Mr. President :*

The House of Representatives has passed the following entitled bills in the passage of which it asks the concurrence of the Honorable Senate :

House Bill No. 200, An act relative to dealers or manufacturers of motor boats and outboard motors.

House Bill No. 250, An act relating to brook trout.

House Bill No. 355, An act authorizing the sale of certain property of the state in the town of Barnstead.

House Bill No. 368, An act relative to dividend notices of insurance companies.

House Bill No. 384, An act relative to fishing in the tributaries of Sunapee Lake.

House Bill No. 372, An act providing for a fiscal agent for the county of Coos.

The message further stated that the House of Representatives has passed the following joint resolution in the passage of which it asks the concurrence of the Honorable Senate.

House Joint Resolution No. 69, Joint resolution in favor Eastern States' Exposition.

### Read and Referred

The following entitled bills and joint resolution sent up from the House of Representatives were read a first and second time and referred,

To the Committee on Revision of Laws,

House Bill No. 200, An act relative to dealers or manufacturers of motor boats and outboard motors.

To the Committee on Judiciary,

House Bill No. 355, An act authorizing the sale of certain property of the state in the town of Barnstead.

House Bill No. 372, An act providing for a fiscal agent for the county of Coos.

To the Committee on Fisheries and Game,

House Bill No. 250, An act relating to brook trout.

House Bill No. 384, An act relative to fishing in the tributaries of Sunapee Lake.

To the Committee on Finance,

House Joint Resolution No. 69, Joint resolution in favor Eastern States' Exposition.

### Committee Reports

Senator Lazure, for the Committee on Judiciary, to whom was referred,

Concurrent Resolution Memorializing Congress of the United States to provide ample old age security and to insure complete and impartial consideration of the General Welfare Act of 1939.

Having considered the same, reported the same without amendment and recommended its passage.

The report was accepted, recommendation of the committee adopted and the concurrent resolution was ordered to a third reading this afternoon at two o'clock.

Senator Noel, for the Committee on Public Health, to whom was referred,

House Bill No. 343, An act relative to the powers of the State Board of Health.

Having considered the same, reported the same without amendment and recommended its passage.

The report was accepted, recommendation of the committee adopted and the bill ordered to a third reading this afternoon at two o'clock.

Senator Munroe, for the Committee on Fisheries and Game, to whom was referred,

House Bill No. 161, An act relative to fishing in Gumpus pond in Pelham.

Having considered the same, reported the same without amendment and recommended its passage.

The report was accepted, recommendation of the committee adopted and the bill was ordered to a third reading this afternoon at two o'clock.

Senator Bond, for the Committee on Insurance, to whom was referred,

House Bill No. 278, An act relating to forms of policies issued by foreign insurance companies.

Having considered the same, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the recommendation of the committee adopted.

### **Bills Engrossed**

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled bills:

Senate Bill No. 44, An act relative to the inspection of motor vehicles.

House Bill No. 82, An act making sundry changes in the sale of securities law.

OLIVER H. MUNROE,  
*For the Committee.*

### **Bill Recalled From the Governor**

On motion of Senator Mitchell the following resolution was adopted:

*Resolved*, That His Excellency, the Governor, be requested to return to the Senate for further consideration the following entitled bill:

House Bill No. 380, An act relating to brook trout.

### **Bill Returned From the Governor**

Pursuant to the above request His Excellency returned to the Senate for further consideration.

House Bill No. 380, An act relating to brook trout.

On motion of Senator Mitchell the rules were so far suspended as to allow a reconsideration of the vote on the above entitled bill.

On motion of the same Senator the Senate voted to reconsider the vote whereby the bill passed.

On motion of the same Senator the Senate voted to reconsider the vote whereby the bill was ordered to a third reading.

The bill being now on its second reading and open to further amendment, Senator Mitchell offered the following amendment and moved its adoption.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *Brook Trout; Temporary Provisions.* Amend chapter 201 of the Public Laws, as inserted by section 5, chapter 124, Laws of 1935, by inserting after section 1-a, as inserted by section 5, chapter 96, Laws of 1937, the following new section: 1-b. *Open Season.* Brook trout, six inches or over, may be taken and possessed from April fifteenth to September first, and during the month of September by the use of artificial flies only, in Coos, Grafton and Carroll counties. Brook trout, six inches or over, may be taken and possessed from April fifteenth to August first, and during the month of August by the use of artificial flies only, in all of the other counties in the state. The provisions of this section shall be in force only during the period from April fifteenth, 1939, to April fifteenth, 1941, and provided further that the provisions of this section shall not apply to waters where special provisions are applicable. During the period when this section is effective such provisions of section 1 of chapter 201 of the Public Laws, as amended, as are inconsistent with the provisions hereof are hereby suspended.

2. *Taking Through the Ice.* Amend section 6, chapter 201 of the Public Laws, as inserted by section 5, chapter 124, Laws of 1935, by striking out said section and inserting in place thereof the following: 6. *Trout and Salmon.* The taking of any of the species mentioned in this subdivision between two hours after sunset and one hour before sunrise is prohibited. The taking of any of the species mentioned in this subdivision, except lake trout, through the ice is prohibited provided that said fish may be taken after April fifteenth, during the open season, through a natural opening in the ice.

3. *Takes Effect.* This act shall take effect upon its passage.

On a *viva voce* vote the amendment was adopted and the bill ordered to a third reading this afternoon at two o'clock.

On motion of Senator Mitchell the bill was read a third time and passed at the present time.

### Introduction of Joint Resolution

Senator Weston for the Committee on Rules introduced the following joint resolution sponsored by Senator Lazure, which was read a first and second time, laid upon the table to be printed and referred to the Committee on Judiciary.

Senate Joint Resolution No. 5, Joint resolution for securing and holding in New Hampshire the 1942 International Ski Federation World Championships.

### House Message

The following message was received from the House of Representatives by its Clerk:

*Mr. President:*

The House of Representatives has passed the following concurrent resolution in the passage of which it asks the concurrence of the Honorable Senate:

Concurrent Resolution: Resolution memorializing the administrator of the Fair Labor Standards Act of 1938 to classify as seasonal the logging and lumbering industry of New Hampshire.

### Read and Referred

The following entitled concurrent resolution sent up from the House of Representatives was read a first and second time and referred to the Committee on Judiciary.

Concurrent Resolution: Resolution memorializing the administrator of the Fair Labor Standards Act of 1938 to classify as seasonal the logging and lumbering industry of New Hampshire.



On motion of Senator Weston, the rules were suspended and printing and reference to committee were dispensed with and the foregoing concurrent resolution was read a third time and passed.

On motion of Senator O'Malley the rules were suspended and all business in order for this afternoon at two o'clock was made in order at the present time.

### Third Readings

The following entitled bills and concurrent resolution were read a third time and passed.

House Bill No. 161, An act relative to fishing in Gumpus Pond in Pelham.

House Bill No. 343, An act relative to the powers of the State Board of Health.

Concurrent Resolution: Resolution memorializing Congress of the United States to provide ample old age security and to insure complete and impartial consideration of the General Welfare Act of 1939.

On motion of Senator Brouillette the Senate adjourned.

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THURSDAY, APRIL 13, 1939.

The Senate met according to adjournment.

### House Message

The following message was received from the House of Representatives by its Clerk:

*Mr. President:*

The House of Representatives has passed the following entitled bills in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 356, An act relating to the state house, state house annex, state library, Hannah Dustin monument, Franklin Pierce Homestead and Daniel Webster Birthplace.

House Bill No. 365, An act to regulate fishing through the ice.

The message further stated that the House of Representatives has passed the following joint resolution in the passage of which it asks the concurrence of the Honorable Senate:

House Joint Resolution No. 30, Joint resolution to establish a commission to investigate the question of a state pier.

House Joint Resolution No. 72, Joint resolution in favor of Mrs. Lester M. Avery.

The message further stated that the House of Representatives concurs with the Honorable Senate in the passage of the following entitled bill, with amendments, in the passage of which amendments the House of Representatives asks the concurrence of the Honorable Senate:

Senate Bill No. 8 (in new draft), An act providing for the payment by wholesale permittees of certain fees for the sale of alcoholic beverages.

On motion of Senator Noel, the Senate voted to concur in the adoption of the amendments sent up from the House of Representatives.

(Discussion ensued)

On a *viva voce* vote the negative prevailed, and the motion to concur was lost.

On motion of Senator Weston, the Senate voted to non-concur and requested a Committee of Conference.

Pursuant to the above motion the President appointed as members of such committee on the part of the Senate Senators Weston and Mitchell.

### Read and Referred

The following entitled bills and joint resolutions sent up from the House of Representatives were read a first and second time, laid upon the table to be printed and referred,

To the Committee on Fisheries and Game,

House Bill No. 365, An act to regulate fishing through the ice.

To a Joint Committee on Finance and State House and State House Yards,

House Bill No. 356, An act relating to the state house, state house annex, state library, Hannah Dustin monument, Franklin Pierce Homestead, and Daniel Webster Birthplace.

To the Committee on Coastwise Improvements,

House Joint Resolution No. 30, Joint resolution to establish a commission to investigate the question of a state pier.

To the Committee on Finance,

House Joint Resolution No. 72, Joint resolution in favor of Mrs. Lester M. Avery.

On motion of Senator Butler, the rules were suspended, printing and reference to committee dispensed with and the foregoing entitled bill was read a third time and passed.

### Committee Reports

Senator Avery, for the Committee on Revision of Laws, to whom were referred,

House Bill No. 46, An act relative to primary petitions and nomination of candidates at the primary election.

House Bill No. 377, An act relative to appropriations for town advertising.

Having considered the same, reported the same without amendment and recommended their passage.

The reports were accepted, recommendations of the committee adopted and the bills were ordered to a third reading this afternoon at two o'clock.

Senator Avery, for the Committee on Revision of Laws, to whom was referred,

House Bill No. 378, An act relative to town appropriations for recreational purposes.

Having considered the same, reported the same with the following amendment and recommended that the bill as amended ought to pass.

Amend section 1 of the bill by striking out all after the word "belongs" in the seventh line, and substituting therefor the words, to or is leased by the town or the state; so that said section as amended will read:

1. *Town Appropriations.* Amend section 33 of chapter 42 of the Public Laws by striking out said section and inserting in place thereof the following: 33. *Tax.* Any town may raise annually a specific number of cents on each one hundred dollars of assessed valuation to be used for the purposes described in section 32 and may raise such sums for such recreational purposes when the land upon which such activities are conducted belongs to or is leased by the town or the state.

The report was accepted, amendment adopted and the bill as amended was ordered to a third reading this afternoon at two o'clock.

Senator Noel, for the Committee of Claims, to whom was referred,

House Joint Resolution No. 52, Joint resolution in favor of Robert Ramig.

Having considered the same, reported the same without amendment and recommended its passage.

The report was accepted and the bill referred to the Committee on Finance under the Rules.

Senator Munroe, for the Committee on Fisheries and Game, to whom was referred,

House Bill No. 247, An act relating to the taking of brook trout in the Connecticut River and Perry Stream.

Having considered the same, reported the same without amendment and recommended its passage.

The report was accepted, recommendation of the committee adopted and the bill was ordered to a third reading this afternoon at two o'clock.

### Committee of Conference Report

The Committee of Conference to whom was referred House Bill No. 23, An act relating to ice fishing in Newfound Lake, recommend that the House recede from its position of non-concurrence in the amendments sent down by the Senate, and concur with the Senate in the passage of the bill as amended.

WAKEFIELD DORT,  
RALPH G. CARPENTER,  
JOHN P. DEMPSEY,  
*Conferees on part of the House.*

LESTER E. MITCHELL,  
OLIVER MUNROE,  
*Conferees on part of the Senate.*

On a *viva voce* vote the report was accepted and recommendations adopted.

### Bills Engrossed

The Committee on Engrossed Bills have found correctly engrossed the following entitled bills:

House Bill No. 83, An act relating to an open season for taking beaver in Coos county.

House Bill No. 167, An act to close Zealand river and certain of its tributaries to fishing.

House Bill No. 176, An act to close the South Branch of Gale river to fishing.

House Bill No. 217, An act closing Elbow pond in Woodstock to ice fishing.

House Bill No. 232, An act governing hospital service corporations.

House Bill No. 248, An act relating to fishing in Big brook, Pittsburg.

House Bill No. 380, An act relating to trout and salmon.

OLIVER MUNROE,  
*For the Committee.*

### Introduction of Bill and Joint Resolutions

Senator Weston, for the Committee on Rules, introduced the following entitled bill sponsored by Senator Esterbrook, which was read a first and second time, laid upon the table to be printed and referred,

To the Committee on Fisheries and Game,

Senate Bill No. 58, An act providing a special open season for taking salt water smelt.

On motion of Senator Estabrook, the rules were suspended, printing and reference to the committee dispensed with and the foregoing entitled bill was read a third time and passed.

Senator Mahoney, for the Committee on Rules, introduced the following entitled bill sponsored by Senators Fairbanks and Cole, which were read a first and second time, laid upon the table to be printed and referred,

To the Committee on Education,

Senate Joint Resolution No. 7, Joint resolution in appreciation of the work of the school safety patrols.

To the Committee on Claims,

Senate Joint Resolution No. 8, Joint resolution in favor of Charles Hashim.

### House Message

The following message was received from the House of Representatives by its Clerk:



*Mr. President:*

The House of Representatives has voted to concur with the Honorable Senate in the passage of the following entitled bill sent down from the Honorable Senate:

Senate Bill No. 58, An act providing a special open season for taking salt water smelt.

The message further stated that the House of Representatives has passed the following concurrent resolution, in the passage of which it asks the concurrence of the Honorable Senate.

*Whereas* it is desirable that the work of the legislature proceed as expeditiously as possible with a view to early final adjournment.

*Therefore Be it Resolved by the House of Representatives*, the Senate concurring, that regular sessions of the General Court be held on Thursday, April 27, the same having been proclaimed by the Governor for observance as Fast Day.

On motion of Senator Weston, the Senator voted to concur with the House of Representatives in the adoption of the concurrent resolution.

On motion of Senator Smart, the rules were suspended and all business in order for this afternoon at two o'clock was made in order at the present time.

### Third Readings

The following entitled bills were read a third time and passed.

House Bill No. 46, An act relative to primary petitions and nomination of candidates at the primary election.

House Bill No. 247, An act relating to the taking of brook trout in the Connecticut River and Perry Stream.

House Bill No. 377, An act relative to appropriations for town advertising.

House Bill No. 378, An act relative to town appropriations for recreational purposes.

On motion of Senator Finley, the following resolution was adopted.

*Resolved*, That when the Senate adjourns this morning it adjourn to meet Saturday morning at ten o'clock, and when it adjourns Saturday morning it adjourn to meet Tuesday morning at eleven o'clock.

On motion of Senator Bond, the Senate adjourned.

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SATURDAY, APRIL 15, 1939.

The Senate met according to adjournment.

The President presiding.

There being manifestly no quorum present, the President declared the Senate adjourned.

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TUESDAY, APRIL 18, 1939.

The Senate met according to adjournment.

**House Message**

The following message was received from the House of Representatives by its Clerk:

*Mr. President:*

The House of Representatives has passed the following entitled bills, in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 361, An act relative to the Kearsarge Mountain recreational area.

House Bill No. 396, An act relating to the taking of lake trout in Massabesic lake.

The message further stated that the House of Representatives had voted to adopt the report of the Com-

mittee of Conference on House Bill No. 23, An act relating to ice fishing in Newfound lake.

The message further stated that the House of Representatives had voted to recall from His Excellency the Governor for further consideration, House Joint Resolution No. 26, Joint resolution for a memorial work commemorating the sesquicentennial of the federal constitution.

### Read and Referred

The following entitled bills sent up from the House of Representatives were read a first and second time and referred,

To the Committee on Forestry,

House Bill No. 361, An act relative to the Kearsarge Mountain recreational area.

To the Committee on Fisheries and Game,

House Bill No. 396, An act relating to the taking of lake trout in Massabesic lake.

### Committee Reports

Senator Avery, for the Committee on Revision of Laws, to whom was referred House Bill No. 362, An act authorizing the board of accountancy to make rules and regulations.

Having considered the same, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and recommendation of the committee adopted.

Senator Lazure, for the Committee on Judiciary, to whom was referred House Bill No. 216, An act relating to the duties of the Register of Probate,

Having considered the same, reported the same without amendment and recommended its passage.

The report was accepted, recommendation of the committee adopted, and the bill ordered to a third reading this afternoon at two o'clock.

Senator O'Malley, for the Committee on Finance, to whom was referred House Joint Resolution No. 69, Joint resolution in favor Eastern States Exposition,

Having considered the same, reported the same without amendment and recommended its passage.

The report was accepted, recommendation of the committee adopted, and the bill ordered to a third reading this afternoon at two o'clock.

Senator Lazure, for the Committee on Engrossed Bills, to whom was referred House Bill No. 161, An act relative to fishing in Gumpus pond in Pelham,

Having considered the same, reported the same under Joint Rule No. 6, with the following amendment and recommended that the bill as amended ought to pass.

Amend section 1 of said bill by striking out the figure "X" and inserting in place thereof the figure, XV, by striking out the words and figures, section 32, chapter 188, Laws of 1937" and inserting in place thereof the following, chapter 87, Laws of 1939, and by striking out the figure "XI" and inserting in place thereof the figure XVI.

The report was accepted, amendment adopted, and the bill as amended sent to the House of Representatives for concurrence in the Senate amendment.

Senator Lazure, for the Committee on Engrossed Bills, to whom was referred House Bill No. 330, An act to close Dimond pond otherwise known as Tom pond in Warner,

Having considered the same, reported the same under Joint Rule No. 6, with the following amendment and recommended that the bill as amended ought to pass.

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1. *Closed to Ice Fishing.* Amend paragraph 1 of section 5 of chapter 155 of the Laws of 1935, as inserted by section 3, chapter 96, Laws of 1937, and as amended by chapters 58 and 85 of the Laws of 1939, by inserting after the word "Tuftonboro" the words, Dimond or Tom pond in Warner, so that said paragraph as amended shall read as follows: I. Arlington Hills Reservoir, Big Dan Hole pond in Ossipee and Tuftonboro, Dimond or Tom pond in Warner, Elbow pond in Woodstock, Ferrin pond in Weare, Gorham pond in Dunbarton, Forest lake in Winchester.

The report was accepted, amendment adopted and the bill as amended sent to the House of Representatives for concurrence in the Senate amendment.

### Bills Engrossed

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled bill:

Senate Bill No. 58, An act providing a special open season for taking salt water smelt.

OLIVER MUNROE,  
*For the Committee.*

### Introduction of Committee Reports

Senator Lazure, under a suspension of the rules, introduced two committee reports not previously advertised in the Journal.

Senator Lazure, for the Committee on Judiciary, to whom was referred House Bill No. 372, An act providing for a fiscal agent for the county of Coos,

Having considered the same, reported the same without amendment and recommended its passage.

The report was accepted, recommendation of the committee adopted, and the bill ordered to a third reading this afternoon at two o'clock.

### Majority and Minority Report

A majority of the Committee on Judiciary, to whom was referred,

Senate Bill No. 3, An act authorizing the creation of housing authorities in cities and towns, having a population of more than 10,000 inhabitants, defining their powers and duties, and authorizing cities, towns, counties and other public bodies to aid and co-operate in the undertaking of slum-clearance and housing projects for families of low income.

Amend section 10 of the bill by striking out, after the word "annual" in the tenth line the words "net income in excess of five times the annual rental of the quarters to be furnished such person or persons, except that in the case of families with three or more minor dependents such ratio shall not exceed six to one; in computing the rental for this purpose of selecting tenants there shall be included in the rental the average annual cost (as determined by the authority) to occupants of heat, water, electricity, gas, cooking range and other necessary services or facilities, whether or not the charge for such services and facilities is in fact included in the rental," and inserting in place thereof the following: income in excess of one thousand dollars (\$1,000) except that in the case of families with three or more minor dependents such income shall not exceed twelve hundred dollars (\$1,200); so that said section shall read:

10. *Rentals and Tenant Selection.* In the operation or management of housing projects an authority shall at all times observe the following duties with respect to rentals and tenant selection: (a) It may



rent or lease the dwelling accommodations therein only to persons of low income and at rentals within the financial reach of such persons of low income; (b) It may rent or lease to a tenant dwelling accommodations consisting of the number of rooms (but no greater number) which it deems necessary to provide safe and sanitary accommodations to the proposed occupants thereof, without overcrowding; and (c) it shall not accept any person as a tenant in any housing project if the person or persons who would occupy the dwelling accommodations have an annual income in excess of one thousand dollars (\$1,000) except that in the case of families with three or more minor dependents, such income shall not exceed twelve hundred dollars (\$1,200).

Nothing contained in this or the preceding section shall be construed as limiting the power of an authority to vest in an obligee the right, in the event of a default by the authority, to take possession of a housing project or cause the appointment of a receiver thereof, free from all the restrictions imposed by this or the preceding section.

Having considered the same, reported the same with the following amendment and recommended that the bill as amended ought to pass.

ALBERT C. LAZURE,  
WILLIAM M. COLE,  
DENIS MAHONEY,  
OLIVER MUNROE,

*For a Majority of the Committee.*

A minority of the Committee on Judiciary to whom was referred Senate Bill No. 3, An act authorizing the creation of housing authorities in cities and towns having a population of more than 10,000 inhabitants, defining their powers and duties, and authorizing cities, towns, counties and other public

bodies to aid and cooperate in the undertaking of slum-clearance and housing projects for families of low income.

Having considered the same, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

WILLIAM WESTON,

FRANK BRYANT,

RALPH ESTABROOK,

*For a Minority of the Committee.*

The report of the majority was accepted.

Senator Weston moved that the report of the minority be substituted for that of the majority, and with that motion pending that it be made a special order for next Tuesday, April 25th, at 11:01 A. M.

On motion of Senator James, the rules were suspended and all business in order for this afternoon at two o'clock was made in order at the present time.

### Third Readings

The following bills and joint resolution were read a third time and passed.

House Bill No. 372, An act providing for a fiscal agent for the county of Coos.

House Bill No. 216, An act relating to the duties of the Register of Probate.

House Joint Resolution No. 69, Joint resolution in favor of Eastern States Exposition.

On motion of Senator Noel, the Senate adjourned.

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WEDNESDAY, APRIL 19, 1939.

The Senate met according to adjournment.

### House Message

The following message was received from the House of Representatives by its Clerk:

*Mr. President:*

The House of Representatives has passed the following entitled bills, in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 20, An act creating a retirement system for firemen.

House Bill No. 342, An act to provide for additional facilities for handicapped children.

The message further stated that the House of Representatives has voted to concur with the Honorable Senate in the passage of the following entitled bills sent down from the Honorable Senate.

Senate Bill No. 35, An act relative to the operation of motor vehicles.

Senate Bill No. 39, An act relative to conduct after a motor vehicle accident.

### **Read and Referred**

The following entitled bills sent up from the House of Representatives were read a first and second time and referred,

To the Committee on Judiciary,

House Bill No. 20, An act creating a retirement system for firemen.

To the Committee on Education,

House Bill No. 342, An act to provide for additional facilities for handicapped children.

### **Committee Reports**

Senator Lazure, for the Committee on Agriculture, to whom was referred House Bill No. 359, An act relating to the issuance of no par value stock by cooperative marketing associations, having considered the same, reported the same without amendment and recommended its passage.

The report was accepted, recommendation of the committee adopted, and the bill ordered to a third reading this afternoon at two o'clock.

Senator Lazure, for the Committee on Judiciary, to whom was referred Senate Bill No. 57, An act relative to the use of number plates on motor vehicles, having considered the same, reported the same without amendment and recommended its passage.

The report was accepted, recommendation of the committee adopted, and the bill ordered to a third reading this afternoon at two o'clock.

Senator Avery, for the Committee on Revision of Laws, to whom was referred House Bill No. 200, An act relative to dealers or manufacturers or motor boats and outboard motors, having considered the same, reported the same without amendment and recommended its passage.

The report was accepted, recommendation of the committee adopted and the bill ordered to a third reading this afternoon at two o'clock.

### Majority and Minority Reports

A majority of the Committee on University of New Hampshire and Normal Schools to whom was referred Senate Bill No. 46, An act changing the names of Plymouth and Keene Normal Schools, having considered the same, reported the same without amendment and recommended its passage.

FRANK J. BRYANT,  
T. JEWETT CHESLEY,  
CHARLES M. DALE,  
CURTIS H. PAGE,

*For a Majority of the Committee.*

A minority of the Committee on University of New Hampshire and Normal Schools, having considered the

same, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

ALBERT C. LAZURE,

*For a Minority of the Committee.*

The report of the majority was accepted.

Senator Lazure moved that the report of the minority be substituted for that of the majority.

(Discussion ensued)

On a *viva voce* vote the negative prevailed and the motion to substitute was lost.

On a *viva voce* vote the recommendation of the majority were adopted and the bill was referred to the Committee on Finance under the rules.

A majority of the Committee on Ways and Means, to whom was referred House Bill No. 69, An act relating to fees for permits and licenses for boxing and wrestling bouts, having considered the same, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

T. JEWETT CHESLEY,

FRANK BRYANT,

EDMUND J. MARCOUX,

HARRY P. SMART,

*For a Majority of the Committee.*

A minority of the Committee on Ways and Means, to whom was referred House Bill No. 69, An act relating to fees for permits and licenses for boxing and wrestling bouts, having considered the same, reported the same without amendment and recommended its passage.

CHARLES DALE,

ALDEGE NOEL,

CURTIS H. PAGE,

*For a Minority of the Committee.*

The report of the majority was accepted.

Senator Noel moved that the report of the minority be substituted for that of the majority.

(Discussion ensued)

On a *viva voce* vote the negative prevailed and the motion to substitute was lost.

Senator Noel demanded a division.

Eleven Senators having voted in the affirmative and twelve in the negative, the motion to substitute was lost.

On a *viva voce* vote the recommendation of the majority, inexpedient to legislate, was adopted.

### Committee of Conference Report

The Committee on Conference, to whom was referred House Bill No. 139, An act relative to the payment of poll taxes, reported the same with the recommendation that the House recede from its position of non-concurrence and the Senate recede from the adoption of its amendment and recommended that the following amendment be adopted:

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *Payment of Poll Taxes Required.* No resident of New Hampshire shall be entitled to receive a permit to register a motor vehicle, a license to operate a motor vehicle, or a license to hunt or fish within this state, until he shall furnish evidence, as provided in section 2, that he has paid his poll tax in the town where he resides for the tax year preceding the date of his application for such permit or license, or that he has been excused from such payment by the taxing authority of the town where he resides.



2. *Receipt or Sworn Statement.* Any applicant for permit to register a motor vehicle, for a license to operate a motor vehicle or for a license to hunt or fish shall, before he received such permit or license, furnish to the issuing officer the receipt of the tax collector of the town where he resides showing that he has paid his poll tax in said town for the tax year preceding the date of such application or make oath that he has paid said tax or that he has been excused from such payment.

3. *Definition.* A person shall be considered to have been excused from paying a poll tax if it shall have been abated by the taxing authority, or if he is exempt from such tax, or if he shall obtain from the selectmen of a town or the assessors of a city a statement that in their opinion he should be granted such permit or license even though such tax may not have been paid.

4. *False Statements; Penalty.* Whoever makes a false statement relative to payment of a poll tax as provided for herein shall be fined ten dollars and the making of such false statement shall be cause for the revocation of such permit or license for a period not exceeding three months.

5. *Disposition of Fines.* All fines collected under the provisions of this act against any violator prosecuted by employees of, or on behalf of, the motor vehicle department or the fish and game department shall be for the use of the community in which the arrest is made.

6. *Repeal.* Chapter 132 of the Laws of 1933 relative to payment of poll taxes is hereby repealed.

7. *Takes Effect.* This act shall take effect upon its passage.

WILLIAM WESTON,  
ALBERT C. LAZURE,  
*Senate Conferees.*

C. B. ETSLER,  
A. L. HAMILTON,  
LEO A. OSBORNE,  
*House Conferees.*

### Bills Engrossed

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled bills:

House Bill No. 36, An act relating to the preservation and recount of ballots at town or school district meetings.

House Bill No. 340, An act closing Miller and Stocker ponds in the town of Grantham to ice fishing.

House Bill No. 343, An act relative to the powers of the state board of health.

House Bill No. 372, An act providing for a fiscal agent for the county of Coos.

House Bill No. 377, An act relative to appropriations for town advertising.

House Joint Resolution No. 69, Joint resolution in favor of Eastern States Exposition.

House Joint Resolution No. 72, Joint resolution in favor of Mrs. Lester M. Avery.

OLIVER MONROE,  
*For the Committee.*

### Introduction of Bill

Senator Weston for the Committee on Rules introduced the following entitled bill sponsored by Senator Smart, which was read a first and second time,

laid upon the table to be printed and referred to the Committee on Fisheries and Game.

Senate Bill No. 59, An act relating to fishing in Ledge Pond in Madison.

On motion of Senator Smart the rules were suspended and all business in order for this afternoon at two o'clock was made in order at the present time.

### Third Readings

The following entitled bills were read a third time and passed.

House Bill No. 359, An act relating to the issuance of no par value stock by cooperative marketing associations.

Senate Bill No. 57, An act relative to the use of number plates on motor vehicles.

House Bill No. 200, An act relative to dealers or manufacturers of motor boats and outboard motors.

On motion of Senator Marcoux, the Senate adjourned.

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THURSDAY, APRIL 20, 1939.

The Senate met according to adjournment.

### Leaves of Absence

Senators Fairbanks and Cole were granted leaves of absence for the day on account of important business.

### House Message

The following message was received from the House of Representatives by its Clerk:

*Mr. President:*

The House of Representatives has passed the following entitled bills, in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 369, An act to provide highway funds for construction, reconstruction, and maintenance and for the reimbursement of towns for hurricane-flood damage.

House Bill No. 397, An act relating to the taking of fish in certain streams in Jackson and vicinity.

The message further stated that the House of Representatives has passed the following joint resolution, in the passage of which it asks the concurrence of the Honorable Senate:

House Joint Resolution No. 64, Joint resolution relating to occupational diseases.

The message further stated that the House of Representatives has voted to concur with the Honorable Senate in its adoption of the amendments offered by the Committee on Engrossed Bills to the following entitled bills:

House Bill No. 161, An act relative to fishing in Bumpus pond in Pelham.

House Bill No. 330, An act to close Dimond pond, otherwise known as Tom pond in Warner to ice fishing.

The message further stated that the House of Representatives has acceded to the request of the Honorable Senate for a Committee of Conference on Senate Bill No. 8, An act providing for the payment by wholesale permittees of certain fees for the sale of alcoholic beverages. The Speaker has appointed as members on such committee on the part of the House of Representatives Messrs Conlon of Concord, Underhill of Nashua and Coakley of Concord.

The message further stated that the House of Representatives has voted to adopt the report of the Committee of Conference on House Bill No. 139, An act relative to the payment of poll taxes.

### Read and Referred

The following entitled bills sent up from the House of Representatives were read a first and second time and referred,

To the Committee on Public Improvements,

House Bill No. 369, An act to provide highway funds for construction, reconstruction, and maintenance and for the reimbursement of towns for hurricane-flood damage.

To the Committee on Fisheries and Game,

House Bill No. 397, An act relating to the taking of fish in certain streams in Jackson and vicinity.

To the Committee on Public Health,

House Joint Resolution No. 64, Joint resolution relating to occupational diseases.

### Committee Reports

Senator Lazure for the Committee on Judiciary, to whom was referred House Bill No. 163, An act authorizing the City of Keene to acquire land for the purposes of flood control.

Having considered the same, reported the same with the following amendments and recommended that the bill as amended ought to pass.

Amend the title of said bill by striking out the same and inserting in place thereof the following:

An act authorizing the city of Keene and towns in the county of Cheshire to acquire land for the purposes of flood control.

Amend said bill by striking out sections 1 and 2 and inserting in place thereof the following:

1. *Acquisition of Land.* The city of Keene or any town in the county of Cheshire, by itself or in conjunction with any town in said county, may acquire, develop and maintain lands, easements and other

rights for the purpose of flood control, and may raise and appropriate money therefor.

2. *Eminent Domain.* If any such municipal corporation in said county is unable to acquire the necessary properties by purchase or gift it may take the same by eminent domain proceedings as provided for the taking of land for highways. Any person aggrieved may appeal from the assessment of damages in such case to the superior court within thirty days from the date of the award of damages for such taking but such appeal shall not extend to the act of taking but shall be limited only to the question of damages and the city or town may forthwith, upon award being made, proceed to the development of the lands, easements and other rights so taken.

The report was accepted, amendments adopted and the bill as amended ordered to a third reading this afternoon at two o'clock.

Senator Munroe for the Committee on Fisheries and Game to whom were referred,

House Bill No. 170, An act relating to hunting of deer.

House Bill No. 93, An act relating to the open and closed season for taking fish in certain waters.

House Bill No. 218, An act closing the Androscoggin River to fishing,

Having considered the same, reported the same with the following resolution:

*Resolved,* That it is inexpedient to legislate.

The reports were accepted and recommendations of the committee adopted.

Senator Munroe, for the Committee on Fisheries and Game, to whom were referred,

Senate Bill No. 49, An act relating to Oliverian Brook in Benton and Warren and Three pond Brook in Rumney.



House Bill No. 156, An act opening Pillsbury Reservation in Washington to all fishing except ice fishing.

House Bill No. 385, An act relating to certain waters in Carroll County,

Having considered the same, reported the same without amendment and recommended their passage.

The reports were accepted, recommendations of the committee adopted and the several bills ordered to a third reading this afternoon at two o'clock.

Senator Munroe, for the Committee on Fisheries and Game, to whom was referred House Bill No. 113, An act relating to the open season for taking deer in Coos County,

Having considered the same, reported the same with the following amendment and recommended that the bill as amended ought to pass.

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1. *Wild Deer.* Amend section 2 of chapter 198 of the Public Laws, as inserted by section 2, chapter 124, Laws of 1935, and as amended by section 1, chapter 136, Laws of 1937, by striking out said section and inserting in place thereof the following: 2. *Taking, Time.* Wild deer, outside game preserves, may be hunted and taken after six a. m. and before five p. m. in the counties of Carroll and Grafton from November first to December first, in that part of Coos county lying north of the main highway known as United States Route No 2 from the Vermont boundary to the Maine boundary through the towns of Lancaster, Jefferson, Randolph, Gorham and Shelburne from October fifteenth to December first, in the remainder of Coos county from November first to December first, and in all other counties in the state from December first to December sixteenth, except that no deer shall be

hunted or taken at any time on any island or in any waters in lakes and ponds.

The report was accepted, amendment adopted and the bill as amended ordered to a third reading this afternoon at two o'clock.

### Introduction of Bill

Senator Mahoney, for the Committee on Rules, introduced the following entitled bill, which was read a first and second time, laid upon the table to be printed and referred to the Committee on Liquor Laws.

Senate Bill No. 60, An act relating to the manufacture and sale of certain alcoholic beverages.

### Bills Engrossed

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled bills:

Senate Bill No. 35, An act relative to the operation of motor vehicles.

Senate Bill No. 39, An act relative to conduct after a motor vehicle accident.

House Bill No. 46, An act relative to primary petitions and nomination of candidates at the primary election.

House Bill No. 161, An act relative to fishing in Gumpus pond in Pelham.

House Bill No. 330, An act to close Dimond pond otherwise known as Tom pond in Warner.

House Bill No. 378, An act relative to town appropriations for recreational purposes.

OLIVER MUNROE,

*For the Committee.*

On motion of Senator Lazure, the rules were suspended and all business in order for this afternoon at two o'clock was made in order at the present time.

### Third Readings

The following entitled bills were read a third time and passed.

House Bill No. 163, An act authorizing the city of Keene and towns in the County of Cheshire to acquire land for the purposes of flood control.

House Bill No. 156, An act opening Pillsbury Reservation in Washington to all fishing except ice fishing.

Senate Bill No. 49, An act relating to Oliverian Brook in Benton and Warren and Three pond Brook in Rumney.

House Bill No. 385, An act relating to certain waters in Carroll county.

The following bill was read a third time.

House Bill No. 113, An act relating to the open season for taking deer in Coos county.

The question being stated, Shall the bill pass?

(Discussion ensued)

Senator Mitchell demanded a roll call.

The Clerk proceeded to call the roll.

The following Senators voted in the affirmative: Senators Lazure, Finley, Mitchell, Munroe, Butler, Spaulding, Noel, Avery, Bond, Mahoney, O'Malley, Marcoux, Chesley and Dale.

The following Senators voted in the negative: Senators Smart, Bryant, Page, Weston, James and Brouillette.

Fourteen Senators having voted in the affirmative and six in the negative, the affirmative prevailed and the bill was passed.

On motion of Senator James, the following resolution was adopted.

*Resolved*, That when the Senate adjourns this morning it adjourn to meet Saturday morning at ten o'clock, and when it adjourns Saturday morning it adjourn to meet Tuesday morning at eleven o'clock.

On motion of Senator Brouillette the Senate adjourned.

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SATURDAY, APRIL 22, 1939.

The Senate met according to adjournment.

The President presiding.

There being manifestly no quorum present, the President declared the Senate adjourned.

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TUESDAY, APRIL 25, 1939.

The Senate met according to adjournment.

#### **Leaves of Absence**

Senators Bryant and Finley were granted leaves of absence for the day on account of important business.

#### **House Message**

The following message was received from the House of Representatives by its Clerk:

*Mr. President:*

The House of Representatives has passed the following entitled bills, in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 381, An act relative to the maintenance of roads within certain state reservations.

House Bill No. 347, An act exempting the members of the National Guard from the provisions of the act relative to financial responsibility in motor vehicle accidents.

The message further stated that the House of Representatives concurs with the Honorable Senate in the passage of the following entitled bill with amendments, in the passage of which amendments the House of Representatives asks the concurrence of the Honorable Senate:

Senate Bill No. 42, An act relative to operation of motor tractors by unlicensed operators.

On motion of Senator Dale, the Senate voted to concur in the amendment sent up by the House of Representatives.

### Read and Referred

The following entitled bills sent up from the House of Representatives were read a first and second time and referred,

To the Committee on Public Improvements,

House Bill No. 381, An act relative to the maintenance of roads within certain state reservations.

To the Committee on Military Affairs,

House Bill No. 347, An act exempting the members of the National Guard from the provisions of the act relative to financial responsibility in motor vehicle accidents.

### Committee Reports

Senator Lazure, for the Committee on Judiciary, to whom was referred House Bill No. 363, An act prohibiting trespass on the White Mountain National Forest in times of fire hazard.

House Bill No. 355, An act authorizing the sale of certain property of the state in the town of Barnstead.

Having considered the same, reported the same without amendment and recommended their passage.

The reports were accepted, recommendations of the committee adopted and the bills ordered to a third reading this afternoon at two o'clock.

Senator Lazure, for the Committee on Judiciary, to whom was referred Senate Joint Resolution No. 5, Joint resolution for securing and holding in New Hampshire the 1942 International Ski Federation World Championships.

Having considered the same, reported the same without amendment and recommended its passage.

The report was accepted, recommendation of the committee adopted, and the joint resolution was ordered to a third reading this afternoon at two o'clock.

On motion of Senator Estabrook the Senate reconsidered the vote whereby the joint resolution was ordered to a third reading and the joint resolution was referred to the Committee on Finance under the rules.

Senator Lazure, for the Committee on Judiciary, to whom was referred House Bill No. 115, An act relating to election of county officers.

Having considered the same, reported the same with the following amendments and recommended that the bill as amended ought to pass.

Amend section 1 by striking out all of said section and inserting in place thereof the following: 1. Amend section 1, chapter 36 of the Public Laws, as amended by section 1, chapter 166 of the Laws of 1933, by striking out in the ninth line the word "county" and inserting in place thereof the words, and Belknap counties, so that said section as amended shall read as follows:

1. *Election; Term.* There shall be chosen at each biennial election, by ballot, by the inhabitants of the several towns in each county qualified to vote for state senators, a sheriff, a county solicitor, a county treasurer, a register of deeds, a register of probate and three county commissioners, each of whom shall take office on April first next succeeding his election, and shall hold the same for two years and until his successor is chosen and qualified, except that all said county officers of Strafford and Belknap counties, and the



solicitors of Merrimack and Coos counties shall take office on January first next succeeding their election.

Amend section 2 of said bill by changing the title of said section to read, Present Officers of Belknap County.

Further amend said section by adding after the word, Commissioners, in the first line of the section the following words, sheriff, county solicitor, county treasurer, register of deeds, and register of probate, so that said section as amended shall read as follows:

2. *Present Officers of Belknap County.* The present county commissioners, sheriff, county solicitor, county treasurer, register of deeds and register of probate for Belknap county shall hold their respective offices for the term until January first 1941, and until their successors are chosen and qualified.

The report was accepted, amendments adopted and the bill as amended ordered to a third reading this afternoon at two o'clock.

Senator O'Malley for the Committee on Finance, to whom was referred House Joint Resolution No. 47, Joint resolution in favor of New Hampshire Veterans' Association.

Having considered the same, reported the same without amendment and recommended its passage.

The report was accepted, recommendation of the committee adopted and the joint resolution ordered to a third reading this afternoon at two o'clock.

Senator Avery for the Committee on the Revision of Laws, to whom was referred House Bill No. 269, An act relating to assignment of wage claims to Labor Commissioner for recovery by civil action.

Having considered the same, reported the same with the following amendment and recommended that the bill as amended ought to pass.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *Assignment of Wage Claims.* Amend chapter 176 of the Public Laws, as amended by section 3, chapter 69, Laws of 1935, by inserting after section 48 the following new section: 49. *Commissioner to Have Power of Attorney.* The labor commissioner shall have power and authority, through signed power of attorney by the claimant, to act in place of said claimant for the collection of wages, not exceeding two hundred dollars, and shall proceed for the collection of such claims when in his judgment the claims are valid and enforceable in the courts.

The report was accepted, amendment adopted and the bill as amended ordered to a third reading this afternoon at two o'clock.

Senator Munroe, for the Committee on Fisheries and Game, to whom was referred House Bill No. 374, An act relative to employees of the Fish and Game Department.

Amend section 1 of said bill by striking out said section and inserting in place thereof the following:

1. *Fish and Game Department.* Amend section 23 of chapter 196 of the Public Laws, as inserted by section 1, chapter 123, Laws of 1935, by striking out said section and inserting in place thereof the following: 23. *Compensation of Employees.* The annual rate of compensation for a position in the department, except the director and as otherwise herein provided, shall not exceed twenty-five hundred dollars, and within that limit, shall be fixed by the commission. The director may employ a biologist in said department at an annual compensation to be fixed by the commission, which need not be within said limit.

The report was accepted, amendment adopted and the bill as amended referred to the Committee on Finance under the rules.

Senator Munroe, for the Committee on Fisheries and Game, to whom was referred House Bill No. 258, An act to regulate the season for taking brook trout from Back lake in Pittsburg,

Having considered the same, reported the same with the following amendment and recommended that the bill as amended ought to pass.

Amend the title of said bill by striking out the same and inserting in place thereof the following:

An act to regulate the season for taking brook trout in Back lake, Pittsburg, and Little Diamond pond in Stewartstown.

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1. *Brook Trout.* Amend paragraph I, section 2, chapter 155, Laws of 1935, as inserted by chapter 144, Laws of 1937, and as amended by chapter 170, Laws of 1937, by striking out said paragraph and inserting in place thereof the following: 1. Back lake in Pittsburg, Ferrin pond in Weare, Gustin pond in Marlow, Halls ponds in Sandwich, Little Diamond pond in Stewartstown, Lily pond in Gilford.

2. *Partridge Lake.* Amend section 2-a, chapter 155, Laws of 1935, as inserted by chapter 144, Laws of 1937, by striking out said section and inserting in place thereof the following: 2-a. *Brook Trout.* Brook trout not less than seven inches in length may be taken by the use either of bait or artificial flies from April fifteenth, or as soon thereafter as the ice goes out, to September first and by the use of artificial flies only during the month of September from Partridge lake in Littleton. The provisions of paragraph V of section 2 shall apply to the taking of brook trout under the provisions of this section.

3. *Takes Effect.* This act shall take effect upon its passage.

The report was accepted, amendment adopted and the bill as amended ordered to a third reading this afternoon at two o'clock.

Senator Munroe, for the Committee on Fisheries and Game, to whom was referred House Bill No. 250, An act relating to brook trout.

Having considered the same, reported the same with the following amendment and recommended that the bill as amended ought to pass.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *Open Season; Limit on Number to be Taken.* Amend section 1, chapter 201, Public Laws, as inserted by section 5, chapter 124, Laws of 1935, and as amended by section 18, chapter 188, Laws of 1937, by striking out said section and inserting in place thereof the following: 1. *Brook Trout.* Brook trout may be taken and possessed from May first to September first and during the month of September by the use of artificial flies only, in Coos, Grafton and Carroll counties. Brook trout may be taken and possessed from May first to August first, and during the month of August by the use of artificial flies only, in all of the other counties in the state. No person may more take or possess brook trout less than six inches in length. No person may take more than twenty in number nor more than five pounds in weight when taken, in one day provided so long as he has taken less than five pounds he shall be entitled to one additional fish. No person may have in his possession at one time a total of more than two days' legal catch of brook trout. Brook trout, ten inches and over, may be taken in lakes and ponds, where trolling is permitted for lake trout and salmon, from April fifteenth to May first in addition to the regular season therefor. During the period from April fifteenth to May first, 1939, and

for the like period, 1940, brook trout, six inches and over, may be taken and possessed as permitted in this section in addition to the regular season therefor.

2. *Application of Laws; Repeal.* The amendment as provided by section 1 hereof shall not affect the laws relative to fishing in certain waters where special provisions are applicable. Section 1 of chapter 83 of the Laws of 1939, providing special provisions for taking brook trout, is hereby repealed.

3. *Takes Effect.* This act shall take effect upon its passage.

The report was accepted, amendment adopted and the bill as amended ordered to a third reading this afternoon at two o'clock.

Senator Lazure, for the Committee on Engrossed Bills, to whom was referred House Bill No. 216, An act relating to the duties of the Register of Probate,

Having considered the same, reported the same under Joint Rule No. 6 with the following amendment and recommended that the bill as amended ought to pass.

1. *Repeal.* Section 3 of chapter 57 of the Laws of 1935, relative to the list of deceased persons whose estates are entered for probate kept by the register of probate, is hereby repealed.

The report was accepted, amendment adopted and the bill as amended sent to the House of Representatives for concurrence in the Senate amendment.

Senator Lazure, for the Committee on Engrossed Bills, to whom was referred House Bill No. 247, An act relating to the taking of brook trout in the Connecticut river and Perry stream,

Having considered the same, reported the same under Joint Rule No. 6 with the following amendments and recommended that the bill as amended ought to pass.



1. *Connecticut River and Perry Stream.* Amend paragraph I, section 1, chapter 155, Laws of 1935, as inserted by chapter 145, Laws of 1937, by striking out the words "the Connecticut river from the First Connecticut lake dam to the covered bridge at the Archie Heath place, so called, in Pittsburg" so that said paragraph as amended shall read as follows: I. Armington lake in Piermont, Beaver pond in Woodstock, Clarksville pond in Clarksville, East Inlet and tributaries to Second Connecticut lake in Pittsburg, Coon Brook Bog in Pittsburg.

2. *Open Season, Brook Trout.* Amend section 1, chapter 155, Laws of 1935, as inserted by chapter 145, Laws of 1937, and as amended by chapter 84, Laws of 1939, by inserting after paragraph XI the following new paragraph: XII. Brook trout not less than seven inches in length may be taken from June first to October first in the Connecticut river from the First Connecticut lake dam to the covered bridge at the Archie Heath place, so called, and in Perry stream from the Happy Corner bridge, so called, to the Connecticut river, all in Pittsburg. No person shall take, in one day, more than ten in number nor more than five pounds in weight when taken provided that if he has taken less than ten in number or five pounds in weight he shall be entitled to one additional fish.

Further amend said bill by renumbering section 2 to read section 3.

The report was accepted, amendments adopted and the bill as amended sent to the House of Representatives for concurrence in the Senate amendments.

Senator Lazure, for the Committee on Engrossed Bills, to whom was referred House Bill No. 385, An act relating to certain waters in Carroll county.

Having considered the same, reported the same under Joint Rule No. 6 with the following amendments



and recommended that the bill as amended ought to pass.

Amend the title of said bill by inserting after the word "to" the word, fishing in.

Amend section 3 of said bill by inserting after the word "so-called" where it occurs in the fourth and seventh lines the words, in Tuftonboro.

The report was accepted, amendments adopted and the bill as amended sent to the House of Representatives for concurrence in the Senate amendments.

### Bills Engrossed

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled bills:

House Bill No. 23, An act relating to ice fishing in Newfound lake.

House Bill No. 359, An act relating to the issuance of no par value stock by co-operative marketing associations.

OLIVER MUNROE,  
*For the Committee.*

On motion of Senator Weston, the following motion was adopted:

*Resolved*, That the Committee of Conference on Senate Bill No. 8, in new draft, An act providing for the payment by wholesale permittees of certain fees for the sale of certain alcoholic beverages, being unable to agree, requests that they be discharged and that a new Committee of Conference be appointed.

Pursuant to the above request, the President appointed as members on the part of the Senate on the above entitled bill Senators Butler and Noel.

On motion of Senator Weston, the following resolution was adopted:

*Resolved*, That when the Senate adjourns Wednesday it be to meet Thursday morning at 10:00 o'clock.

### Special Order

Senator Weston called for the special order, it being Senate Bill No. 3, An act authorizing the creation of housing authorities in cities and towns having a population of more than 10,000 inhabitants, defining their powers and duties, and authorizing cities, towns, counties and other public bodies to aid and co-operate in the undertaking of slum-clearance and housing projects for families of low income.

The question being stated,

Shall the report of the minority, inexpedient to legislate, be substituted for that of the majority, ought to pass with amendment?

(Discussion ensued)

On a *viva voce* vote the affirmative prevailed.

Senator O'Malley demanded a roll call.

The Clerk proceeded to call the roll.

The following named Senators voted in the affirmative: Senators Finley, Mitchell, Smart, Page, Fairbanks, Butler, Spaulding, Weston, Avery, Blood, Chesley and Esterbrook.

The following named Senators voted in the negative: Senators Lazure, Munroe, James, Noel, Bond, Mahoney, O'Malley, Brouillette, Marcoux, Cole and Dale.

Paired, Senator Finley voting in the affirmative and Senator Noel in the negative.

Twelve Senators having voted in the affirmative and eleven in the negative, the affirmative prevailed, and the motion to substitute was lost.

The question being stated, Shall the recommendations of a minority of the committee be adopted?

On a *viva voce* vote the affirmative prevailed, and the recommendations were adopted.

On motion of Senator Mitchell, the rules were suspended and all business in order for this afternoon at two o'clock was made in order at the present time.

### Third Readings

The following entitled bills and joint resolution were read a third time and passed.

House Bill No. 115, An act relating to election of county officers.

House Bill No. 355, An act authorizing the sale of certain property of the state in the town of Barnstead.

House Bill No. 363, An act prohibiting trespass on the White Mountain National Forest in times of fire hazard.

House Bill No. 250, An act relating to brook trout.

House Bill No. 258, An act to regulate the season for taking brook trout from Back Lake in Pittsburg, and Little Diamond pond in Stewartstown.

House Bill No. 269, An act relating to assignment of wage claims to Labor Commissioner for recovery by civil action.

House Joint Resolution No. 47, Joint resolution in favor of the New Hampshire Veterans' Association.

On motion of Senator Noel, the Senate adjourned.

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WEDNESDAY, APRIL 26, 1939.

The Senate met according to adjournment.

### Leaves of Absence

Senators Bryant and Finley were granted leaves of absence for the day on account of important business.

### House Message

The following message was received from the House of Representatives by its Clerk:

*Mr. President:*

The House of Representatives has passed the following entitled bills, in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 391, An act relating to the town of Rye.

House Bill No. 323, An act making appropriation for the expenses of the State of New Hampshire for the year ending June 30, 1940.

House Bill No. 324, An act making appropriation for the expenses of the State of New Hampshire for the year ending June 30, 1941.

The message further stated that the House of Representatives has voted to concur with the Honorable Senate in its adoption of the amendments offered by the Committee on Engrossed Bills to the following bills:

House Bill No. 385, An act relating to certain waters in Carroll county.

House Bill No. 216, An act relating to the duties of the Register of Probate.

House Bill No. 247, An act relating to the taking of brook trout in the Connecticut river and Perry stream.

The message further stated that the House of Representatives has voted to concur with the Honorable Senate in its amendments to the following entitled bills:

House Bill No. 113, An act relating to the open season for taking deer in Coos county.

House Bill No. 163, An act authorizing the city of Keene to acquire land for the purposes of flood control.

The message further stated that the House of Representatives has voted to adopt the report of the Committee of Conference on Senate Bill No. 8, An act providing for the payment by wholesale permittees of certain fees for the sale of certain alcoholic beverages.

The Speaker appointed as members on such a committee, on the part of the House, Messrs. Foote of Portsmouth, Knowles of North Hampton and Mrs. Bixby of Berlin.

### Read and Referred

The following entitled bills sent up from the House of Representatives were read a first and second time and referred,

To the Committee on Judiciary,

House Bill No. 391, An act relating to the town of Rye.

To the Committee on Finance,

House Bill No. 323, An act making appropriation for the expenses of the State of New Hampshire for the year ending June 30, 1940.

House Bill No. 324, An act making appropriation for the expenses of the State of New Hampshire for the year ending June 30, 1941.

### Committee Reports

Senator Lazure, for the Committee on Judiciary, to whom was referred House Bill No. 214, An act authorizing village districts to organize for recreational promotion,

Having considered the same, reported the same without amendment and recommended its passage.

The report was accepted, recommendation of the committee adopted, and the bill ordered to a third reading this afternoon at two o'clock.

### Introduction of Bill

Senator Weston, for the Committee on Rules, introduced the following entitled bill sponsored by Senator O'Malley, which was read a first and second time, laid upon the table to be printed, and referred to the Committee on Judiciary.

Senate Bill No. 61, An act relative to the use of highways by bicycle riders and others.

On motion of Senator Marcoux, the rules were suspended and all business in order for this afternoon at two o'clock was made in order at the present time.

### Third Readings

The following entitled bill was read a third time and passed.

House Bill No. 214, An act authorizing village districts to organize for recreational promotion.

On motion of Senator Page the Senate adjourned.

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THURSDAY, APRIL 27, 1939.

The Senate met according to adjournment.

### Leaves of Absence

Senators Lazure, Bryant, Marcoux and Cole were granted leaves of absence for the day on account of important business.

### House Message

The following message was received from the House of Representatives by its Clerk:

*Mr. President:*

The House of Representatives has passed the following entitled bills, in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 329, An act relative to the issuance of bonds or notes to forward the building program of the University of New Hampshire, and to be liquidated from university income.

The message further stated that the House of Representatives has voted to concur with the Honorable Senate in its amendments to the following entitled bills and joint resolutions:

House Bill No. 250, An act relating to brook trout.

House Bill No. 269, An act relating to assignment of wage claims to labor commissioner for recovery by civil action.



House Bill No. 115, An act relating to election of county officers.

House Bill No. 258, An act to regulate the season for taking brook trout from Back brook, in Pittsburg.

House Joint Resolution No. 47, Joint resolution in favor of the New Hampshire Veterans' Association.

### **Read and Referred**

The following entitled bill sent up from the House of Representatives was read a first and second time and referred to the Committee on Finance.

House Bill No. 329, An act relative to the issuance of bonds or notes to forward the building program at the University of New Hampshire, and to be liquidated from university income.

### **Committee Reports**

Senator Bond, for the Committee on Insurance, to whom was referred,

House Bill No. 282, An act relating to investments of life insurance companies.

House Bill No. 368, An act relative to dividend notices of insurance companies.

House Bill No. 27, An act relating to foreign casualty insurance companies.

House Bill No. 38, An act relating to cancellation of accident and health insurance policies.

Having considered the same, reported the same without amendment and recommended their passage.

The reports were accepted, recommendations of the committee adopted and the bills ordered to a third reading this afternoon at two o'clock.

Senator Munroe, for the Committee on Fisheries and Game, to whom were referred,

House Bill No. 384, An act relative to fishing in the tributaries of Sunapee Lake.

Senate Bill No. 59, An act relating to fishing in Ledge pond in Madison.

Having considered the same, reported the same without amendment and recommended their passage.

The reports were accepted, recommendations of the committee adopted and the bills ordered to a third reading this afternoon at two o'clock.

Senator O'Malley, for the Committee on Finance, to whom was referred,

House Joint Resolution No. 52, Joint resolution in favor of Robert Ramig.

Having considered the same, reported the same without amendment and recommended its passage.

The report was accepted, recommendation of the committee adopted and the bill ordered to a third reading this afternoon at two o'clock.

Senator Fairbanks, for the Committee on Forestry, to whom was referred,

House Bill No. 361, An act relative to the Kearsarge Mountain Recreational Area.

Having considered the same, reported the same with the following amendment and recommended that the bill as amended ought to pass.

Amend said bill by inserting after section 1 the following new section:

2. *Prevention of Forest Fires.* Amend chapter 191 of the Public Laws by inserting after section 42 the following new section: 42-a. *Entry Upon Private Land.* The state forester or his authorized agents and assistants may, with the approval of the governor and council, and without being deemed guilty of trespass, enter upon any privately owned land for the purpose of disposing of brush and other inflammable materials in order to reduce or remove forest fire hazards when in the opinion of said forester such work is necessary in the interests of public safety. The provisions of this section shall remain in effect until July 1, 1941.

Further amend said bill by renumbering section 2 to read section 3.

The report was accepted, amendment adopted and the bill as amended ordered to a third reading this afternoon at two o'clock.

Senator Lazure, for the Committee on Engrossed Bills, to whom was referred,

House Bill No. 156, An act opening Pillsbury reservation in Washington to all fishing except ice fishing.

Having considered the same, reported the same under Joint Rule No. 6 with the following amendments and recommended that the bill as amended ought to pass.

Amend section 1 of said bill by inserting after the figures "1937" the words and figures, as amended by section 1, chapter 59, Laws of 1939, and by inserting after the end of said bill the words, all tributaries of Pisgah reservoir in Winchester.

Amend section 2 of said bill by inserting after the figures "1937" the words and figures, as amended by section 2, chapter 45, Laws of 1939, by striking out the words "and all brooks therein" in the third line and by adding at the end of said section the words, Spoonwood pond in Nelson.

The report was accepted, amendments adopted, and the bill as amended sent to the House of Representatives for concurrence in the Senate amendments.

### Bills Engrossed

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled bills:

Senate Bill No. 42, An act relative to operation of motor tractors by unlicensed operators.

House Bill No. 113, An act relating to the open season for taking deer in Coos county.

House Bill No. 247, An act regarding the taking of brook trout in the Connecticut river and Perry stream.

House Bill No. 341, An act relative to the protection of state and other highways.

House Bill No. 355, An act authorizing the sale of certain property of the state in the town of Barnstead.

House Bill No. 363, An act prohibiting trespass on the White Mountain National Forest in times of fire hazard.

House Bill No. 385, An act relating to fishing in certain waters in Carroll county.

OLIVER H. MUNROE,  
*For the Committee.*

On motion of Senator Bond, the rules were suspended, and all business in order for this afternoon at two o'clock was made in order at the present time.

### Third Readings

The following entitled bills and resolution were read a third time and passed.

Senate Bill No. 59, An act relating to fishing in Ledge pond in Madison.

House Bill No. 27, An act relating to foreign casualty insurance companies.

House Bill No. 38, An act relating to cancellation of accident and health insurance policies.

House Bill No. 368, An act relative to dividend notices of insurance companies.

House Bill No. 282, An act relating to investments of life insurance companies.

House Bill No. 384, An act relative to fishing in the tributaries of Sunapee lake.

House Bill No. 361, An act relative to the Kearsarge Mountain recreational area.

House Joint Resolution No. 52, Joint resolution in favor of Robert Ramig.

On motion of Senator James, the following resolution was adopted:

*Resolved*, That when the Senate adjourns this morning it adjourns to meet Saturday morning at ten o'clock, and when it adjourns Saturday morning it adjourn to meet Tuesday morning at eleven o'clock.

On motion of Senator Fairbanks the Senate adjourned.

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SATURDAY, APRIL 29, 1939.

The Senate met according to adjournment.

The President presiding.

There being manifestly no quorum present, the President declared the Senate adjourned.

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TUESDAY, MAY 2, 1939.

The Senate met according to adjournment.

**House Message**

The following message was received from the House of Representatives by its Clerk:

*Mr. President:*

The House of Representatives has passed the following entitled bills in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 327, An act establishing a commission for the purpose of studying the possibilities of protect-

ing individuals unemployed because of sickness or ill health.

House Bill No. 367, An act relating to parole from the state prison.

The message further stated that the House of Representatives has passed the following joint resolutions, in the passage of which it asks the concurrence of the Honorable Senate:

House Joint Resolution No. 12, Joint resolution to provide for additional facilities at the state sanatorium.

House Joint Resolution No. 62, Joint resolution making appropriation for the state prison farm.

### **Read and Referred**

The following entitled bills and joint resolutions sent up from the House of Representatives were read a first and second time and referred,

To the Committee on Public Health,

House Bill No. 327, An act establishing a commission for the purpose of studying the possibilities of protecting individuals unemployed because of sickness or ill health.

To the Committee on State Prison and Industrial Schools,

House Bill No. 367, An act relating to parole from the state prison.

House Joint Resolution No. 62, Joint resolution making appropriation for the state prison farm.

To the Committee on Finance,

House Joint Resolution No. 12, Joint resolution to provide for additional facilities at the state sanatorium.

### **Committee Reports**

Senator O'Malley, for the Committee on Finance, to whom was referred,

Senate Bill No. 46, An act changing the names of Keene and Plymouth Normal Schools.



Having considered the same, reported the same without amendment and recommended its passage.

The report was accepted, recommendation of the committee adopted and the bill ordered to a third reading this afternoon at two o'clock.

Senator Lazure, for the Committee on Engrossed Bills, to whom was referred,

House Bill No. 200, An act relative to dealers or manufacturers of motor boats and outboard motors.

Having considered the same, reported the same under Joint Rule No. 6, with the following amendment and recommended that the bill as amended ought to pass.

Amend the paragraph numbered 15-g in section 1 by striking out the sentence "Upon receipt of such application and fee the dealer or manufacturer may issue to the purchaser a temporary certificate as a receipt for such payment and the temporary certificate or plate to be attached to such boat or motor" and inserting in place thereof the following sentence:

Upon receipt of such application and fee the dealer or manufacturer may issue to the purchaser a receipt for such payment and a temporary certificate or plate. If a plate is issued it shall be attached to said boat or motor.

The report was accepted, amendment adopted and the bill as amended sent to the House of Representatives for concurrence in the Senate amendment.

Senator Lazure, for the Committee on Engrossed Bills, to whom was referred,

House Bill No. 384, An act relative to fishing in the tributaries of Sunapee Lake.

Having considered the same, reported the same under Joint Rule No. 6, with the following amendment and recommended that the bill as amended ought to pass.

Amend section 2 of said bill by striking out the figure "XII" and inserting in place thereof the figure, XVI, by striking out the figure "35" and inserting in place thereof the figure 98, by striking out the figure "XIII" and inserting in place thereof the figure XVII.

The report was accepted, amendment adopted and the bill as amended sent to the House of Representatives for concurrence in the Senate amendment.

Senator Lazure, for the Committee on Engrossed Bills, to whom was referred,

House Bill No. 139, An act relative to the payment of poll taxes.

Having considered the same, reported the same under Joint Rule No. 6, with the following amendment and recommended that the bill as amended ought to pass.

Amend section 5 of said bill by striking out the word "community" in the fourth line and inserting in place thereof the word, town.

The report was accepted, amendment adopted and the bill as amended sent to the House of Representatives for concurrence in the Senate amendment.

### **Bills Engrossed**

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled bills and joint resolutions:

House Bill No. 27, An act relating to foreign casualty insurance companies.

House Bill No. 38, An act relating to cancellation of accident and health insurance policies.

House Bill No. 115, An act relating to election of county officers.

House Bill No. 163, An act authorizing the city of Keene and towns in the county of Cheshire to acquire land for the purposes of flood control.

House Bill No. 214, An act authorizing village districts to organize for recreational promotion.

House Bill No. 216, An act relating to the duties of the register of probate.

House Bill No. 250, An act relating to brook trout.

House Bill No. 258, An act to regulate the season for taking brook trout in Back lake, Pittsburg, and Little Diamond pond in Stewartstown.

House Bill No. 269, An act relating to assignment of wage claims to labor commissioner for recovery by civil action.

House Bill No. 368, An act relative to dividend notices of insurance companies.

House Joint Resolution No. 47, Joint resolution in favor of the New Hampshire Veterans' Association.

House Joint Resolution No. 52, Joint resolution in favor of Robert Ramig.

OLIVER MUNROE,  
*For the Committee.*

### Committee of Conference Report

The Committee of Conference, to whom was referred Senate Bill No. 8, An act providing for the payment by wholesale permittees of certain fees for the sale of certain alcoholic beverages, report the same with the recommendation that the Senate recede from its position of non-concurrence and accept the amendment sent up by the House of Representatives.

ALDEGE A. NOEL,  
CHARLES F. BUTLER,  
*Conferees on the part of the Senate.*

HARRY H. FOOTE,  
ESTHER C. BIXBY,  
FORREST E. KNOWLES,  
*Conferees on the part of the  
House of Representatives.*

The question being stated, Shall the report of the Committee of Conference be adopted?

(Discussion ensued)

On a *viva voce* vote the affirmative prevailed and the Committee of Conference report was adopted.

### Introduction of Bills

Senator Mahoney, for the Committee on Rules, introduced two bills sponsored by Senators Lazure and Noel, which were read a first and second time, laid upon the table to be printed and referred to the Committee on Judiciary.

Senate Bill No. 62, An act relating to the sale of notes and bonds by municipal corporations and counties.

Senate Bill No. 63, An act defining unfair sales practice and prohibiting the sale of merchandise below cost to destroy competition.

On motion of Senator Noel, the rules were suspended, printing and reference to committee dispensed with on Senate Bill No. 63, An act defining unfair sales practice and prohibiting the sale of merchandise below cost to destroy competition.

On motion of the same Senator the following resolution was adopted:

*Resolved*, That the President of the Senate be and hereby is directed to obtain from the Honorable Justices of the Supreme Court, for the use of the 1941 session of the General Court, their opinion upon the following question:

"Do the provisions of Senate Bill No. 63, An act defining unfair sales practice and prohibiting the sale of merchandise below cost to destroy competition, copy of which is annexed hereto and made a part of this resolution, violate any of the provisions of our state constitution?"

Senator Weston, for the Committee on Rules, introduced the following entitled bill, sponsored by Senator Mitchell, which was read a first and second time, laid upon the table to be printed and referred to the Committee on Judiciary.

Senate Bill No. 64, An act establishing the state development and publicity department.

On motion of Senator Lazure, the rules were suspended and all business in order for this afternoon at two o'clock was made in order at the present time.

### Third Readings

The following entitled bill was read a third time and passed.

Senate Bill No. 46, An act changing the names of Keene and Plymouth Normal Schools.

On motion of Senator O'Malley the Senate adjourned.

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WEDNESDAY, MAY 3, 1939.

The Senate met according to adjournment.

### Leave of Absence

Senator Butler was granted leave of absence for the day on account of important business.

### House Message

The following message was received from the House of Representatives by its Clerk:

*Mr. President:*

The House of Representatives has passed the following entitled bills and joint resolutions, in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 198, An act to provide for a revision of the Public Laws.

House Bill No. 205, An act relative to the gross weight of motor vehicles.

House Bill No. 394, An act authorizing the Plymouth Village Fire District to issue notes or bonds.

House Bill No. 358, An act creating a state aeronautics commission.

House Bill No. 321, An act relative to unemployment compensation.

House Joint Resolution No. 17, Joint resolution in favor of Everett Hunnewell.

House Joint Resolution No. 32, Joint resolution providing for a survey of roadside conditions in the state.

The message further stated that the House of Representatives has voted to concur with the Honorable Senate in its adoption of the amendments offered by the Committee on Engrossed Bills to the following entitled bill:

House Bill No. 156, An act opening Pillsbury Reservation in Washington to all fishing except ice fishing.

The message further stated that the House of Representatives has voted to adopt the report of the Committee of Conference on Senate Bill No. 8, An act providing for the payment by wholesale permittees of certain fees for the sale of certain alcoholic beverages.

The message further stated that the House of Representatives has voted to concur with the Honorable Senate in its amendments to the following entitled bill:

House Bill No. 361, An act relative to the Kearsarge Mountain recreational area.

### **Read and Referred**

The following entitled bills and joint resolutions sent up from the House of Representatives were read a first and second time and referred,

To the Committee on Judiciary,



House Bill No. 358, An act creating a state aeronautics commission.

House Bill No. 394, An act authorizing the Plymouth Village Fire District to issue notes and bonds.

To the Committee on Revision of Laws,

House Joint Resolution No. 32, Joint resolution providing for a survey of roadside conditions in the state.

House Bill No. 198, An act to provide for a revision of the Public Laws.

To the Committee on Labor,

House Bill No. 321, An act relative to unemployment compensation.

To the Committee on Transportation,

House Bill No. 205, An act relative to the gross weight of motor hevehicles.

To the Committee on Claims,

House Joint Resolution No. 17, Joint resolution in favor of Everett Hunnewell.

### Committee Reports

Senator Lazure, for the Committee on Judiciary, to whom was referred Senate Bill No. 51, An act relating to school districts.

Having considered the same, reported the same with the following amendments, and recommended that the bill as amended ought to pass:

Amend the title of said bill by striking out the same and inserting in place thereof the following:

An act relating to Union School District in Keene.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *Union School District in Keene.* All district officers of Union School District in Keene shall be chosen by official ballot, by a plurality vote. Such ballots shall be prepared by the clerk at the expense

of the district in such number as to him seems adequate.

2. *Official Ballots.* Upon such official ballots, the names of the candidates for each office shall be grouped in the alphabetical order of their surnames. Over each group shall be a statement of the office for which they are candidates and a direction as to the number of candidates to be elected. Under each group shall be left as many blank spaces as there are persons to be elected to such office. At the right of each name shall be a square. The voter shall indicate his choice by making a cross in the square opposite the candidate of his choice or by writing the name of any person or persons for whom he desires to vote in the appropriate blank space or spaces.

3. *Filing of Candidacy.* Any person qualified to be elected to any of said offices shall be entitled to have his name printed upon said official ballot as a candidate upon filing written declaration with the clerk not later than five o'clock in the afternoon of the sixth day preceding the day of the annual meeting.

4. *Mode of Balloting.* The polls shall be open promptly at the hour for which the meeting is warned and shall remain open at least one hour. One official ballot shall be placed in the hands of each voter as he enters the polling place. The moderator may appoint tellers to receive and tally the votes. After all other business of the meeting has been transacted and all voters present have been given an opportunity to cast their ballot and the one hour having transpired, the moderator shall declare the polls closed, the final tally shall be made by the tellers and the moderator shall declare the results.

5. *Takes Effect.* This act shall take effect upon its passage provided that it shall not affect the election

nor the term of office of the school district officers holding office at the time this act is approved.

The report was accepted, amendments adopted, and the bill as amended ordered to a third reading this afternoon at two o'clock.

Senator Lazure, for the Committee on Judiciary, to whom was referred,

House Bill No. 391, An act relating to the town of Rye.

Having considered the same, reported the same without amendment and recommended its passage.

The report was accepted, the recommendation of the committee adopted, and the bill ordered to a third reading this afternoon at two o'clock.

Senator Lazure, for the Committee on Judiciary, to whom was referred,

Senate Bill No. 21, An act to safeguard life and property from destruction by fire.

Having considered the same, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the recommendation of the committee adopted.

Senator Munroe, for the Committee on Fisheries and Game, to whom were referred,

House Bill No. 365, An act to regulate fishing through the ice.

House Bill No. 396, An act relating to the taking of lake trout in Massabesic Lake.

Having considered the same, reported the same without amendment and recommended their passage.

The reports were accepted, the recommendations of the committee adopted, and the bills ordered to a third reading this afternoon at three o'clock.

Senator Munroe, for the Committee on Fisheries and Game, to whom was referred,

House Bill No. 397, An act relating to the taking of fish in certain streams in Jackson and vicinity.

Having considered the same, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution adopted.

Senator Fairbanks, for the Committee on Forestry, to whom was referred,

House Bill No. 319, An act relating to the equipment of portable mills.

Having considered the same, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution adopted.

Senator James, for the Committee on Public Improvements, to whom was referred,

House Bill No. 369, An act to provide highway funds for construction, reconstruction and maintenance, and for the reimbursement of towns for hurricane flood damage.

Having considered the same, reported the same without amendment and recommended its passage.

The report was accepted, recommendation of the committee adopted and the bill referred to the Committee on Finance under the Rules.

### Introduction of Bills

Senator Weston, for the Committee on Rules, introduced the following entitled bills, which were read a first and second time, laid on the table to be printed, and referred to the Committee on Revision of Laws:

Senate Bill No. 65, An act to incorporate a Board of Trustees for the town of Lancaster under the will of Francis L. Town.

Senate Bill No. 66, An act providing for the consolidation and merger of certain public utility corporations.

Senator Fairbanks moved for a reconsideration of the vote whereby the Senate adopted the report of the Committee of Conference appointed on Senate Bill No. 8, An act providing for the payment by wholesale permittees of certain fees for the sale of certain alcoholic beverages.

(Discussion ensued)

Senator Fairbanks requested a division.

Ten Senators having voted in the affirmative and eleven Senators having voted in the negative, the negative prevailed and the motion to reconsider was lost.

On motion of Senator Mitchell, the rules were suspended and all business in order this afternoon at two o'clock was made in order at the present time.

### Third Readings

The following bills were read a third time and passed:

Senate Bill No. 51, An act relating to Union School District in Keene.

House Bill No. 365, An act to regulate fishing through the ice.

House Bill No. 396, An act relating to the taking of brook trout in Massabesic Lake.

House Bill No. 391, An act relating to the town of Rye.

On motion of Senator Bond the Senate adjourned.

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THURSDAY, MAY 4, 1939.

The Senate met according to adjournment.

### Leave of Absence

Senator Cole was granted leave of absence for the day on account of important business.

### House Message

The following message was received from the House of Representatives by its Clerk:

*Mr. President:*

The House of Representatives has passed the following entitled bills, in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 270, An act to authorize the Bureau of Labor to assist and co-operate in the enforcement of the Federal Fair Labor Standards Act of 1938.

House Bill No. 404, An act relative to the operation of motor vehicles of non-residents on the highways of this state.

House Bill No. 406, An act relative to the reconveyance of certain property in the town of Boscawen.

House Bill No. 408, An act defining urban and rural residence districts under the motor vehicle laws and regulating speed limit of motor vehicles.

House Bill No. 413, An act relative to the Congregational Society.

House Bill No. 418, An act relating to the tenure of office of the adjutant general.

House Bill No. 420, An act relating to the issue of bonds by the county of Belknap.

The message further stated that the House of Representatives concurs with the Honorable Senate in the passage of the following entitled bill, with amendments, in the passage of which amendments the House of Representatives asks the concurrence of the Honorable Senate:

Senate Bill No. 54, An act relative to vehicles carrying wood sawing equipment.

Amend section 1 by striking out after the word "less" in the twelfth line and inserting in place thereof the words, than five nor more than twenty-five



dollars, so that said section as amended shall read as follows:

1. *Prohibition.* Amend chapter 103 of the Public Laws by inserting after section 27 the following new section: 27-a. *Wood Sawing Equipment on Vehicles.* No vehicle, motor truck or trailer, carrying wood sawing equipment, shall be operated on the highways of this state when the saw is on the arbor, so called, ready for use, unless such saw is covered with a suitable wooden guard. Any person who shall operate on the highways of this state a vehicle in violation of the provisions of this section shall be fined not less than five nor more than twenty-five dollars.

On motion of Senator Smart, the Senate voted to concur in the amendment sent up by the House of Representatives.

The message further stated that the House of Representatives has voted to concur with the Honorable Senate in its adoption of the amendments offered by the Committee on Engrossed Bills to the following entitled bills:

House Bill No. 139, An act relative to the payment of poll taxes.

House Bill No. 200 (new draft), An act relative to dealers or manufacturers of motor boats and outboard motors.

House Bill No. 384, An act relative to fishing in the tributaries of Lake Sunapee.

The message further stated that the House of Representatives has voted to concur with the Honorable Senate in the passage of the following entitled bill sent down from the Honorable Senate:

Senate Bill No. 33, An act relative to brakes for motor vehicle trailers and semi-trailers.

The message further stated that the House of Representatives concurs with the Honorable Senate in the

passage of the following entitled bill, with amendments, in the passage of which amendments the House of Representatives asked the concurrence of the Honorable Senate.

Senate Bill No. 23, An act relating to the State Board of Health.

Amend section 1 by striking out in line six the words, "a registered pharmacist," and inserting in place thereof the following: one other person, who shall not be a physician, or a civil engineer, so that said section as amended shall read as follows:

1. *Appointment; Vacancies.* There shall be a State Board of Health consisting of the Governor, the Attorney General, three physicians, a civil engineer and one other person, who shall not be a physician, or a civil engineer. The five last named shall be appointed by the Governor with the advice of the council. The term of office of each of the five shall be five years, and until a successor is appointed and qualified, except that the four present members of the board shall continue in office until the commission they now hold expires. Vacancies in the board shall be filled by the Governor with the advice of the council, for the unexpired term.

On motion of Senator Dale, the Senate voted to concur in the amendments sent up by the House of Representatives.

### Read and Referred

The following entitled bills sent up from the House of Representatives were read a first and second time and referred,

To the Committee on Revision of Laws,

House Bill No. 270, An act to authorize the Bureau of Labor to assist and co-operate in the enforcement of the Federal Fair Labor Standards Act of 1938.

House Bill No. 404, An act relative to the operation of motor vehicles of non-residents on the highways of this state.

House Bill No. 408, An act defining urban and rural residence districts under the motor vehicle laws and regulating speed limit of motor vehicles.

House Bill No. 413, An act relative to the Congregational Society.

To the Committee on Forestry,

House Bill No. 406, An act relative to the reconveyance of certain property in the town of Boscawen.

To the Committee on Military Affairs,

House Bill No. 418, An act relating to the tenure of office of the adjutant general.

To the Committee on Judiciary,

House Bill No. 420, An act relating to the issue of bonds by the county of Belknap.

On motion of Senator Page, the rules were suspended, reference to committee dispensed with, and the foregoing entitled bill was read a third time and passed.

### Committee Reports

Senator O'Malley, for the Committee on Finance, to whom was referred Senate Joint Resolution No. 5, Joint resolution for securing and holding in New Hampshire the 1942 International Ski Federation World Championships,

Having considered the same, reported the same without amendment and recommended its passage.

The report was accepted, recommendation of the committee adopted, and the bill ordered to a third reading this afternoon at two o'clock.

Senator James, for the Committee on Public Improvements, to whom was referred House Bill No. 381, An act relating to the maintenance of roads within certain state reservations,

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted, recommendation of the committee adopted, and the bill referred to the Committee on Finance under the rules.

### **Bills Engrossed**

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled bill:

House Bill No. 156, An act opening Pillsbury Reservation in Washington to all fishing except ice fishing.

OLIVER MUNROE,

*For the Committee.*

### **Bill Recalled from the Governor**

On motion of Senator Mitchell the following resolution was adopted:

*Resolved*, That His Excellency, the Governor, be requested to return to the Senate for further consideration the following entitled bill:

House Bill No. 302, An act relating to trapping.

### **Bill Returned from the Governor**

Pursuant to the above request His Excellency returned House Bill No. 302, An act relating to trapping.

On motion of Senator Mitchell, the rules were so far suspended as to allow a reconsideration of the vote on the above entitled bill.

On motion of the same Senator, the Senate voted to reconsider the vote whereby the bill passed.

On motion of the same Senator, the Senate voted to reconsider the vote whereby the bill was ordered to a third reading.

The bill being on its second reading and open to amendment, Senator Mitchell offered the following amendment:

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1. *Right of Way of Public Highways.* Amend section 6 of chapter 200 of the Public Laws, as inserted by section 4, chapter 124, Laws of 1935, and as amended by section 15-a, chapter 188, Laws of 1937, by adding at the end of said section the words: No person shall set or arrange any trap in or under any bridge, ditch or drainage system, whether artificial or natural, within the limits of the right of way of any public highway, so that said section as amended shall read as follows: 6. *Setting Traps.* No person shall set or arrange any trap upon any land of which he is not the owner or occupant, except upon land covered by a stream navigable by a boat, until he shall have secured from the owner or occupant a permit in writing signed by said owner or occupant, and until he shall have filed with the director a copy thereof, together with a description of the land on which trapping is to be done. All metal traps shall have stamped or engraved thereon, in a legible and permanent manner, the name of the person setting them. No person shall set or arrange any trap in a public way, cart road, or path, commonly used as a passage way by human beings or domestic animals. No person shall set or arrange any trap in or under any bridge, ditch or drainage system, whether artificial or natural, within the limits of the right of way of any public highway.

On a *viva voce* vote the amendment was adopted, and the bill ordered to a third reading this afternoon at two o'clock.

### Resolution

On motion of Senator Spaulding, the following resolution was adopted:

*Resolved,* That when the Senate adjourns this morning it adjourn to meet Saturday morning at ten o'clock, and when it adjourns Saturday morning it

adjourn to meet Tuesday morning at eleven o'clock.

On motion of Senator Marcoux, the rules were suspended, and all business in order for this afternoon at two o'clock was made in order at the present time.

### Third Readings

The following entitled bill and joint resolution were read a third time and passed.

Senate Joint Resolution No. 5, Joint resolution for securing and holding in New Hampshire the 1942 International Ski Federation World Championships.

House Bill No. 302, An act relating to trapping.

On motion of Senator Bond the Senate adjourned.

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### SATURDAY, MAY 6, 1939.

The Senate met according to adjournment.

The President presiding.

There being manifestly on quorum present, the President declared the Senate adjourned.

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### TUESDAY, MAY 9, 1939.

The Senate met according to adjournment.

### House Message

The following message was received from the House or Representatives by its Clerk:

*Mr. President:*

The House of Representatives has passed the following entitled bill and joint resolutions, in the passage of



which it asks the concurrence of the Honorable Senate:

House Bill No. 402, An act relative to the sewer system in the town of Wolfeboro.

House Joint Resolution No. 20, Joint resolution in favor of Gordon F. Harris of Warner.

House Joint Resolution No. 71, Joint resolution in favor of Ernest Moore.

### Read and Referred

The following entitled bill and joint resolutions, sent up from the House of Representatives, were read a first and second time, and referred,

To the Committee on Judiciary,

House Bill No. 402, An act relative to the sewer system in the town of Wolfeboro.

To the Committee on Claims,

House Joint Resolution No. 20, Joint resolution in favor of Gordon F. Harris of Warner.

House Joint Resolution No. 71, Joint resolution in favor of Ernest Moore.

### Committee Reports

Senator Dale, for the Committee on Education, to whom was referred Senate Joint Resolution No. 7, Joint resolution in appreciation of the work of the school safety patrols,

Having considered the same, reported the same without amendment and recommended its passage.

The report was accepted, recommendation of the committee adopted, and the bill ordered to a third reading this afternoon at two o'clock.

Senator Mahoney, for the Committee on Liquor Laws, to whom was referred Senate Bill No. 60, An act relating to the manufacture and sale of certain alcoholic beverages,

Having considered the same, reported the same without amendment and recommended its passage.

The report was accepted, recommendation of the committee adopted, and the bill ordered to a third reading this afternoon at two o'clock.

Senator Lazure, for the Committee on Judiciary, to whom was referred House Bill No. 394, An act authorizing the Plymouth Village Fire District to issue notes or bonds,

Having considered the same, reported the same without amendment and recommended its passage.

The report was accepted, recommendation of the committee adopted, and the bill ordered to a third reading this afternoon at two o'clock.

Senator Lazure, for the Committee on Engrossed Bills, to whom was referred House Bill No. 396, An act relating to the taking of lake trout in Massabesic lake,

Having considered the same, reported the same under Joint Rule No. 6, with the following amendments, and recommended that the the bill as amended ought to pass.

Amend section 1 of said bill by striking out the words and figure "section 3 of" in the first line, and by striking out the figure "3-a" in the third line.

The report was accepted, amendments adopted, and the bill as amended sent to the House of Representatives for concurrence in the Senate amendments.

Senator Lazure, for the Committee on Engrossed Bills, to whom was referred House Bill No. 365, An act to regulate fishing through the ice,

Having considered the same, reported the same under Joint Rule No. 6, with the following amendment, and recommended that the bill as amended ought to pass.

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1. *Ice Fishing.* Amend section 21, chapter 201, Public Laws, as inserted by section 5, chapter 124, Laws of 1935, by striking out said section and inserting in place thereof the following: 21. *Ice Fishing.* Lake trout, perch, shad, whitefish, pickerel and cusk may be taken through the ice during the open season therefor, with hook and line, tip-ups, or bobs; but no person shall have in use or control at the same time more than six lines, tip-ups or bobs, and such person shall be present and have personal control over the same, except that ten such devices for taking cusk, marked with the name of the owner, may be set and left unattended for a period not longer than twenty-four hours and provided further that none of said hooks and lines, tip-ups or bobs shall be connected by or to any wire, cord or rope extending from any one of said lines, tip-ups or bobs to any other of such devices or be in any other manner connected. Nothing in this section shall be construed as prohibiting fishing for lake trout or shad, through the ice, with one line in hand, in addition to ten such unattended cusk lines. No person shall take more than two lake trout through the ice in one day.

The report was accepted, amendment adopted, and the bill as amended sent to the House of Representatives for concurrence in the Senate amendment.

Senator Lazure, for the Committee on Engrossed Bills, to whom was referred House Bill No. 361, An act relative to Kearsarge Mountain recreational area,

Having considered the same, reported the same under Joint Rule No. 6, with the following amendment, and recommended that the bill as amended ought to pass.

Amend the title of said bill by adding at the end thereof the words, and powers and duties of the state forester.

The report was accepted, amendment adopted, and the bill as amended sent to the House of Representatives for concurrence in the Senate amendment.

### Committee of Conference Report

The Committee of Conference, to whom was referred House Bill No. 165, An act relating to the construction of sidewalks in the city of Nashua, recommended that the Senate recede from its position in adopting its amendment, and that the House recede from its position of non-concurrence in said amendment, and further recommended that the Senate and House adopt the following amendments:

Amend section 2 of said bill by striking out all after the words "real estate" so that said section as amended shall read as follows:

2. *Assessment and Maintenance.* Amend section 2 of chapter 319 of the Laws of 1915 by striking out said section and inserting in place thereof the following: Sect. 2. The cost of such construction may be assessed upon the abutters on such sidewalks in just proportions not exceeding one-half the expense of the same, and all assessments so made shall constitute a lien upon the abutting premises and be collected in the same manner as taxes on real estate.

Further amend said bill by inserting after section 2 the following new section:

3. *Maintenance.* Amend section 3 of chapter 319 of the Laws of 1915 by striking out said section and inserting in place thereof the following: Sect. 3. Any sidewalk constructed under authority of chapter 319, Laws of 1915, prior to May 1, 1939, shall be maintained by the city under the supervision of the board of public works, who may give such instructions to the city engineer as they deem necessary for this pur-

pose. Any sidewalk constructed subsequent to said date shall be maintained by said city for a period of three years from the date of construction and thereafter the expense of maintenance shall be borne equally by the city and by the abutters and all assessments so made for maintenance shall constitute a lien upon the abutting premises and be collected in the same manner as taxes on real estate.

Further amend said bill by renumbering section 3 to read section 4.

ALDEGE A. NOEL,  
STANLEY JAMES,

*Conferees on the Part of the Senate.*

WILFRED F. GRANDMAISON,  
GEORGE W. UNDERHILL,  
BLAYLOCK ATHERTON,

*Conferees on the Part of the House.*

### Bills Engrossed

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled bills:

Senate Bill No. 23, An act relating to the State Board of Health.

Senate Bill No. 33, An act relative to brakes for motor vehicle trailers and semi-trailers.

Senate Bill No. 54, An act relative to the operation of vehicles carrying wood-sawing equipment.

House Bill No. 200, An act relative to dealers or manufacturers of motor boats and outboard motors.

House Bill No. 391, An act relative to the town of Rye.

House Bill No. 139, An act relative to the payment of poll taxes.

House Bill No. 384, An act relative to fishing in the tributaries of Sunapee lake.

House Bill No. 420, An act relating to the issue of bonds by the county of Belknap.

OLIVER H. MUNROE,  
*For the Committee.*

On motion of Senator Smart, the rules were suspended, and all business in order for this afternoon at two o'clock was made in order at the present time.

### Third Readings

The following entitled bills and joint resolution were read a third time and passed.

Senate Joint Resolution No. 7, Joint resolution in appreciation of the work of the school safety patrols.

Senate Bill No. 60, An act relating to the manufacture and sale of certain alcoholic beverages.

House Bill No. 394, An act authorizing the Plymouth Village Fire District to issue notes or bonds.

On motion of Senator Munroe the Senate adjourned.

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WEDNESDAY, MAY 10, 1939.

The Senate met according to adjournment.

### Leave of Absence

Senator Fairbanks was granted leave of absence for the day on account of important business.

### House Message

The following message was received from the House of Representatives by its Clerk:

*Mr. President:*

The House of Representatives has passed the following entitled bills in the passage of which it asks the concurrence of the Honorable Senate:



House Bill No. 411, An act validating certain proceedings of the town meeting of the town of Lyndeborough.

House Bill No. 412, An act relative to the powers of the school district of Hampton.

The message further stated that the House of Representatives has voted to concur with the Honorable Senate in its amendments to the following entitled bill:

House Bill No. 302, An act relating to trapping.

The message further stated that the House of Representatives has voted not to adopt the report of the Committee of Conference on House Bill No. 165, An act relating to the construction of sidewalks in the city of Nashua.

### **Read and Referred**

The following entitled bills, sent up from the House of Representatives, were read a first and second time and referred,

To the Committee on Revision of Laws,

House Bill No. 411, An act validating certain proceedings of the town meeting of the town of Lyndeboro.

House Bill No. 412, An act relative to the powers of the school district of Hampton.

### **Committee Reports**

Senator O'Malley, for the Committee on Finance, to whom was referred House Bill No. 381, An act relative to the maintenance of roads within certain state reservations,

Having considered the same, reported the same without amendment and recommended its passage.

The report was accepted, recommendation of the committee adopted, and the bill ordered to a third reading this afternoon at two o'clock.

Senator Avery, for the Committee on Military Affairs, to whom was referred House Bill No. 347, An act exempting the members of the National Guard from the provisions of the Act relative to financial responsibility in motor vehicle accidents,

Having considered the same, reported the same without amendment and recommended its passage.

The report was accepted, and the bill referred to the Committee on Revision of Laws.

Senator Avery, for the Committee on Revision of Laws, to whom were referred House Joint Resolution No. 32, Joint resolution providing for a survey of roadside conditions in the state.

House Bill No. 413, An act relative to the Congressional Society in Tamworth.

House Bill No. 408, An act defining urban and rural residence districts, under the motor vehicle laws, and regulating speed limit of motor vehicles,

Having considered the same, reported the same without amendment and recommended their passage.

The reports were accepted, recommendations of the committee adopted, and the bills and joint resolution ordered to a third reading this afternoon at two o'clock.

Senator Avery, for the Committee on Revision of Laws, to whom was referred House Bill No. 198, An act to provide for a revision of the public laws,

Having considered the same, reported the same without amendment and recommended its passage.

The report was accepted, recommendation of the committee adopted and the bill referred to the Committee on Finance, under the Rules.

Senator Mahoney, for the Committee on Transportation, to whom was referred House Bill No. 205, An act relative to the gross weight of motor vehicles,

Having considered the same, reported the same without amendment and recommended its passage.

The report was accepted, recommendation of the committee adopted, and the bill ordered to a third reading reading this afternoon at two o'clock.

### **Bills Engrossed**

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled bills:

House Bill No. 302, An act relating to trapping.

House Bill No. 394, An act authorizing the Plymouth Village Fire District to issue notes or bonds.

OLIVER H. MUNROE,  
*For the Committee.*

### **Introduction of Bill**

Senator Weston, for the Committee on Rules, introduced the following entitled bill, which was read a first and second time, laid upon the table to be printed and referred to the Committee on Judiciary.

Senate Bill No. 67, An act relating to trustees of Tilton School.

### **Communication**

May 10, 1939.

Mr. Ernest H. Bond, Esquire  
92 Market Street,  
Manchester, New Hampshire.

DEAR MR. BOND:

The officers and members of the Calumet Organization extend to you and your colleagues of the Senate

an invitation to be our guests on Wednesday evening, May 17. Supper will be served at 6:30, after which you are all invited to enjoy the facilities of the Club, and we sincerely hope that you all will be able to be with us that evening.

Yours very truly,

S. N. MARSHALL,  
*Secretary-Treasurer.*

On motion of Senator Bond the Senate voted to accept the kind invitation of the Calumet Organization.

### Recess

The Senate re-assembled.

On motion of Senator Spaulding, the rules were suspended and all business in order for this afternoon at two o'clock was made in order at the present time.

### Third Readings

House Bill No. 381, An act relative to the maintenance of roads within certain State reservations.

House Bill No. 413, An act relative to the Congregational Society in Tamworth.

House Bill No. 408, An act defining urban and rural residence districts under the Motor Vehicle Laws and regulating speed limit of motor vehicles.

House Bill No. 205, An act relative to the gross weight of motor vehicles.

House Joint Resolution No. 32, Joint resolution providing for a survey of roadside conditions in the State.

On motion of Senator Mitchell the Senate adjourned.

THURSDAY, MAY 11, 1939.

The Senate met according to adjournment.

### Leave of Absence

Senator Cole was granted leave of absence for the day on account of important business.

### House Message

The following message was received from the House of Representatives by its Clerk:

*Mr. President:*

The House of Representatives has passed the following entitled bills, in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 389, An act consenting to the acquisition of land by the United States for flood control and navigation purposes.

House Bill No. 345, An act relating to the duties of the Adjutant-General.

House Bill No. 348, An act relating to investments of savings banks.

House Bill No. 375, An act relating to federal aid for wildlife restoration projects.

House Bill No. 390, An act to provide a bond issue for the eradication of bovine tuberculosis and Bang's disease.

House Bill No. 416, An act to protect the Golden and Bald Eagle.

House Bill No. 419, An act validating the proceedings of the recessed town meeting in the town of Milford.

House Bill No. 421, An act granting authority to sell land in Londonderry by the Governor and Council.

House Joint Resolution No. 67, (in new draft), Joint resolution in favor of Clyde Hudson and others.

House Joint Resolution No. 76, Joint resolution in favor of Joseph Caron.

The message further stated that the House of Representatives has voted to concur with the Honorable Senate in its adoption of the amendments offered by the Committee on Engrossed Bills to the following entitled bills and joint resolutions:

House Bill No. 361, An act relative to the Kearsarge Mountain recreational area.

House Bill No. 365, An act to regulate fishing through the ice.

House Bill No. 396, An act relating to the taking of brook trout in Massabesic lake.

The message further stated that the House of Representatives concurs with the Honorable Senate in the passage of the following entitled bills with amendments in the passage of which amendments the House of Representatives asks the concurrence of the Honorable Senate.

Senate Bill No. 5, An act relative to conduct of candidates at primaries and elections and notification of candidates by the Secretary of State.

Amend section 1 by inserting after the word, "distribute" in line seven the words, or post, further amend by striking out in lines eight and nine the words, "or solicit votes for or in behalf of such candidate." so that said section as amended shall read as follows:

1. *Primaries and Elections.* Amend chapter 26 of the Public Laws by inserting after section 86 the following new section: 86-a. *Distribution of Cards, etc.* No person as candidates for office or representing or working for a candidate shall, within the building where an election is being held, distribute or post any cards or other printed or written matter. Whoever violates any of the provisions of this section shall be fined not more than one hundred dollars.



On motion of Senator James the Senate voted to concur in the amendments sent up from the House of Representatives.

Senate Bill No. 30, An act relative to the qualifications for applicants for examinations for the practice of medicine.

Amend section 1 by inserting after the words "United States" in the third and eighth lines the words, or a Canadian province in which like privilege is granted to citizens of the United States, so that said section as amended shall read as follows: 1. *Practice of Medicine.* Amend section 10 of chapter 204 of the Public Laws, as amended by chapter 150 of the Laws of 1937, by inserting after the word "character" the words, is a citizen of the United States or a Canadian province in which like privilege is granted to citizens of the United States, so that said section as amended shall read as follows: 10. *Applicants.* The board shall admit to examination any applicant who pays a fee of twenty dollars and submits satisfactory evidence in writing, verified by oath if required, that he is more than twenty-one years of age, of good moral character, is a citizen of the United States or a Canadian province in which like privilege is granted to citizens of the United States, has completed satisfactorily two years' work in college, or has a preliminary education considered and accepted by the board as fully equivalent, has studied the treatment of human ailments not less than four school years in a medical school maintaining at that time a standard satisfactory to the board, and has graduated from such school and has completed an internship, approved by the board, of not less than twelve months. The provisions of this section may be suspended in whole or in part by order of the board on account of war or other threatened or existing national calamity.

Amend the bill by inserting after section 1 the following new sections:

2. *Practice of Chiropractic.* Amend section 8 of chapter 206 of the Public Laws by inserting after the word "character" in the sixth line the words, a citizen of the United States or a Canadian province in which a like privilege is granted to citizens of the United States, so that said section as amended shall read as follows. 8. *Fees; Qualifications.* Each applicant shall pay to the secretary-treasurer a fee of twenty-five dollars, for which he shall be entitled to an examination and to a re-examination if necessary, within one year. He shall submit to said board satisfactory evidence of a high school education, or its equivalent, shall be at least twenty-one years of age, of good moral character, a citizen of the United States or of a Canadian province in which a like privilege is granted to citizens of the United States, and a graduate of a legally chartered or incorporated school or college of chiropractic requiring a course of three years, of six months each, or its equivalent, as a resident student therein.

Further amend said bill by renumbering section 2 to read section 3.

On motion of Senator Chesley the Senate voted to concur in the amendments sent up from the House of Representatives.

Senate Bill No. 43, An act relating to the registration of certain motor vehicles.

Amend by changing the numbers of sections 5 and 6 to 6 and 7, respectively, and by inserting after section 4 the following new section:

5. *Registration Fees, Tractors and Semi-Trailers.* Amend paragraph III of section 1 of chapter 102 of the Public Laws, as amended by section 1 of chapter 94 of the Laws of 1927, by section 1 of chapter 45 of

the Laws of 1935, and by chapter 48 of the Laws of 1930, by adding thereto the following: In the registration of any tractor to be used in combination with a semi-trailer, the gross weight shall include the weight of such tractor, the weight of the heaviest semi-trailer to be used therewith, and the weight of the maximum load to be carried thereby, and separate registration certificates and plates shall be provided for the tractor and the semi-trailer. For the registration of each additional or extra semi-trailer the fee shall be twenty-five dollars, so that said paragraph as amended shall read: III. For each motor vehicle, including trailers and semi-trailers equipped with pneumatic tires, except motor cycles and motor cycle sidecars, the following rates based on the gross weight of the vehicle and load: All vehicles and load not exceeding four thousand pounds, thirty-five cents per hundred pounds; exceeding four thousand pounds and not exceeding six thousand pounds, forty-five cents per hundred pounds; exceeding six thousand pounds and not exceeding eight thousand pounds, fifty cents per hundred pounds; exceeding eight thousand pounds, sixty cents per hundred pounds. For all vehicles equipped with hard rubber tires the sum of twenty cents per hundred pounds shall be added to the above rates. For all vehicles equipped with iron, steel or other hard tires the sum of forty cents per hundred pounds shall be added to the above rates; provided that the minimum fee as provided in this section shall be ten dollars for passenger vehicles and fifteen dollars for trucks. Tractors used for agricultural purposes only, tractors used for power purposes only that do not haul loads on the public highways, tractors used only on snow, and snowmobiles, shall pay one tenth of the above rates. Commercial vehicles or trucks used for agricultural purposes only and used on the public highways only between portions of the farm upon which

said vehicle or truck is operated that are not more than two miles apart by the highway at the points of entering upon or leaving shall pay one tenth of the above rates. Well drilling machines on motor vehicle truck chassis and truck shovels on motor vehicle truck chassis shall pay one third of the above rates. Cement mixers, saw rigs and air compressors towed by motor vehicles shall pay one tenth of the above rates except when towed exclusively within the limits of a single city or town, in which case no fees for registration shall be collected. In the registration of any tractor to be used in combination with a semi-trailer, the gross weight shall include the weight of such tractor, the weight of the heaviest semi-trailer to be used therewith, and the weight of the maximum load to be carried thereby, and separate registration certificates and plates shall be provided for the tractor and the semi-trailer. For the registration of each additional or extra semi-trailer the fee shall be twenty-five dollars.

On motion of Senator Mahoney further reading of the amendments was dispensed with and the Senate voted to concur in the amendments sent up from the House of Representatives.

Senate Bill No. 59, An act relating to fishing in Ledge pond in Madison.

Amend said bill by inserting after section 1 the following new section:

2. Amend section 1, chapter 155 of the Laws of 1935 as amended by chapter 145 of the Laws of 1937 by adding after paragraph X the following new paragraph.

XI. Brook trout not less than ten inches in length may be taken from May first to October first from Big Brook Bog and Big Brook and its tributaries all north of the highway leading from the First to the Second

Connecticut Lake. No person shall take in one day, more than five fish nor more than five pounds in weight when taken provided that if he has taken less than five in number and five pounds in weight he shall be entitled to one additional fish.

Further amend by renumbering section 2, section 3.

On motion of Senator Mitchell the Senate voted to concur in the amendments sent up from the House of Representatives.

### Read and Referred

The following entitled bills sent up from the House of Representatives were read a first and second time and referred,

To the Committee on Judiciary.

House Bill No. 389, An act consenting to the acquisition of land by the United States for flood control and navigation purposes.

To the Committee on Military Affairs,

House Bill No. 345, An act relating to the duties of the Adjutant General.

To the Committee on Banks,

House Bill No. 348, An act relating to investments of savings banks.

To the Committee on Fisheries and Game,

House Bill No. 375, An act relating to federal aid for wildlife restoration projects.

House Bill No. 416, An act to protect the Golden and Bald Eagle.

To the Committee on Revision of Laws,

House Bill No. 419, An act validating the proceedings of the recessed town meeting in the town of Milford.

House Bill No. 421, An act granting authority to sell land in Londonderry by the Governor and Council.

To the Committee on Agriculture,



House Bill No. 390, An act to provide a bond issue for the eradication of bovine tuberculosis and Bang's disease.

To the Committee on Claims,

House Joint Resolution No. 67, (in new draft) Joint resolution in favor of Clyde Hudson and others.

House Joint Resolution No. 76, Joint resolution in favor of Joseph Caron.

### Committee Reports

Senator Avery for the Committee on Revision of Laws, to whom were referred House Bill No. 404, An act relative to the operation of motor vehicles of non-residents on the highways of this state,

House Bill No. 270, An act to authorize the Bureau of Labor to assist and cooperate in the enforcement of the Federal Fair Labor Standards Act of 1938,

Having considered the same, reported the same without amendment and recommended their passage.

The reports were accepted, recommendations of the committee adopted and the bills ordered to a third reading this afternoon at two o'clock.

Senator Noel, for the Committee on Public Health, to whom was referred House Bill No. 327, An act establishing a Commission for the purpose of studying the possibilities of protecting individuals unemployed because of sickness or ill health,

Having considered the same, reported the same without amendment and recommended its passage.

The report was accepted, recommendation of the committee adopted and the bill referred to the Committee on Finance under the rules.

Senator Noel, for the Committee on Public Health, to whom was referred,

House Joint Resolution No. 64, Joint resolution relating to occupational diseases,



Having considered the same, reported the same without amendment and recommended its passage.

The report was accepted, recommendation of the committee adopted and the joint resolution ordered to a third reading this afternoon at two o'clock.

Senator O'Malley, for the Committee on Finance, to whom were referred House Joint Resolution No. 12, Joint resolution to provide for additional facilities at the State Sanatorium,

House Bill No. 329, An act relative to the issuance of bonds or notes to forward the building program at the University of New Hampshire, and to be liquidated from University income,

House Bill No. 369, An act to provide highway funds for construction, reconstruction, and maintenance and for the reimbursement of towns for hurricane-flood damage,

House Bill No. 374, An act relative to employees of the Fish and Game Department,

Having considered the same, reported the same without amendment and recommended its passage.

The reports were accepted, recommendations of the committee adopted and the joint resolution and bills ordered to a third reading this afternoon at two o'clock.

Senator Brouillette, for the Committee on Labor, to whom was referred House Bill No. 321, An act relative to unemployment compensation,

Having considered the same, reported the same without amendment and recommended its passage.

The report was accepted, recommendation of the committee adopted and the bill ordered to a third reading this afternoon at two o'clock.

Senator Brouillette for the Committee on State Prison and Industrial School, to whom was referred Joint Resolution No. 62, Joint resolution making appropriation for the State Prison Farm,

House Bill No. 367, An act relating to parole from the State Prison,

Having considered the same, reported the same without amendment and recommended their passage.

The reports were accepted, recommendations of the committee adopted and the joint resolution and bill referred to the Committee on Finance under the rules.

Senator Lazure, for the Committee on Judiciary, to whom was referred House Bill No. 349, An act relative to the collection of legacy taxes upon certain contingent devises and bequests,

Having considered the same, reported the same with the following amendment and recommended that the bill as amended ought to pass.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *Taxation of Legacies and Successions.* Amend section 10 of chapter 72 of the Public Laws by adding at the end thereof the following: Whenever a tax shall hereafter be collected under the provisions of sections 7, 8 and 9 in a case where the intermediate estate shall pass to a husband or wife with the right to use or expend such portions of the principal as may be necessary for his or her reasonable support and maintenance and the principal shall prove to be insufficient for that purpose, and he or she is without other means of support, then he or she may apply to the probate court for an abatement of the entire tax and upon such abatement the state treasurer shall repay the amount so collected with interest as aforesaid, so that said section as amended shall read as follows: 10. *Abatement.* If at the termination of the intermediate estate such remainder or any portion thereof shall pass to a person or corporation which at the time of the death of the decedent was exempt from such tax, such person or corporation may, at any time within

one year after the termination of the intermediate estate, but not afterwards, apply to the probate court for an abatement of the tax on such remainder as provided in section 41, and the state treasurer shall repay the amount adjudged to have been illegally exacted as provided in section 43, with interest thereon at three per cent per annum from the date of the payment of the tax. Whenever a tax shall hereafter be collected under the provisions of sections 7, 8 and 9 in a case where the intermediate estate shall pass to a husband or wife with the right to use or expend such portions of the principal as may be necessary for his or her reasonable support and maintenance and the principal shall prove to be insufficient for that purpose, and he or she is without other means of support, then he or she may apply to the probate court for an abatement of the entire tax and upon such abatement the state treasurer shall repay the amount so collected with interest as aforesaid.

2. *Takes Effect.* This act shall take effect upon its passage.

The report was accepted, amendment adopted and the bill as amended ordered to a third reading this afternoon at two o'clock.

Senator Lazure for the Committee on Judiciary to whom was referred Senate Bill No. 61, an act relative to the use of highways by bicycle riders and others,

Having considered the same, reported the same without amendment and recommended its passage.

The report was accepted, recommendation of the Committee adopted and the bill ordered to a third reading this afternoon at two o'clock.

Senator Lazure for the Committee on Engrossed Bills to whom was referred Senate Bill No. 8, an act providing for the payment by wholesale permittees of

certain fees for the sale of certain alcoholic beverages,

Having considered the same, reported the same under Joint Rule No. 6 with the following amendments and recommended that the bill as amended ought to pass.

Amend sections 2 and 4 of said bill by inserting before the words "ten per cent" the words, when due.

Amend section 7 of said bill by striking out the word, "may" in the sixth line and inserting in place thereof the word, shall.

The report was accepted, amendments adopted and the bill as amended sent to the House of Representatives for concurrence in the Senate amendments.

On motion of Senator Marcoux, the following resolution was adopted.

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*Resolved*, That when the Senate adjourns this morning it adjourn to meet Saturday morning at ten o'clock, and when it adjourns Saturday morning it adjourn to meet Tuesday morning at eleven o'clock.

On motion of Senator Finley the rules were suspended and all business in order for this afternoon at two o'clock was made in order at the present time.

### Third Readings

The following entitled bills and joint resolutions were read a third time and passed.

House Bill No. 404, An act relative to the operation of motor vehicles of non-residents on the highways of this State.

House Bill No. 270, An act to authorize the Bureau of Labor to assist and cooperate in the enforcement of the Federal Fair Labor Standards Act of 1938.

House Joint Resolution No. 64, Joint resolution relating to occupational diseases.

House Joint Resolution No. 12, Joint resolution to provide for additional facilities at the State Sanatorium.

House Bill No. 329, An act relative to the issuance of bonds or notes to forward the building program at the University of New Hampshire, and to be liquidated from University income.

House Bill No. 369, An act to provide highway funds for construction, reconstruction and maintenance and for the reimbursement of towns for hurricane-flood damage.

House Bill No. 374, An act relative to employees of the Fish and Game Department.

House Bill No. 321, An act relative to unemployment compensation.

House Bill No. 349, An act relative to the collection of legacy taxes upon certain contingent devises and bequests.

Senate Bill No. 61, An act relative to the use of highways by bicycle riders and others.

On motion of Senator Avery the Senate adjourned.

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SATURDAY, MAY 13, 1939.

The Senate met according to adjournment.

The President presiding.

There being manifestly no quorum present, the President declared the Senate adjourned.

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TUESDAY, MAY 16, 1939.

The Senate met according to adjournment.

#### Leave of Absence

Senator Dale was granted leave of absence for the day on account of important business.

### House Message

The following message was received from the House of Representatives by its Clerk:

*Mr. President:*

The House of Representatives has passed the following entitled bills and joint resolution in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 267, An act to prohibit liquor advertising in state stores.

House Bill No. 414, An act relating to the boundary lines of highways.

House Bill No. 423, An act relating to persons who purchase or receive milk within the state for distribution without the state.

House Joint Resolution No. 23, Joint resolution for the repair and maintenance of the John F. Stark House in the city of Manchester.

The message further stated that the House of Representatives has voted to concur with the Honorable Senate in its adoption of the amendments offered by the Committee on Engrossed Bills, to the following entitled bill:

Senate Bill No. 8, An act providing for the payment by wholesale permittees of certain fees for the sale of certain alcoholic beverages.

### Read and Referred

The following entitled bills and joint resolution sent up from the House of Representatives were read a first and second time and referred,

To the Committee on Liquor Laws.

House Bill No. 267, An act to prohibit liquor advertising in state stores.

To the Committee on Public Improvements,



House Bill No. 414, An act relating to the boundary lines of highways.

To the Committee on Agriculture,

House Bill No. 423, An act relating to persons who purchase or receive milk within the state for distribution without the state.

To the Committee on Finance,

House Joint Resolution No. 23, Joint resolution for the repair and maintenance of the John F. Stark House in the city of Manchester.

### Majority and Minority

A majority of the Committee on Judiciary, to whom was referred,

House Bill No. 20, An act creating a retirement system for firemen,

Having considered the same, reported the same without amendment and recommended its passage.

ALBERT C. LAZURE,  
WILLIAM COLE,  
OLIVER MUNROE,  
RALPH ESTABROOK,  
DENIS MAHONEY,

*For a Majority of the Committee.*

A minority of the Committee on Judiciary, to whom was referred,

House Bill No. 20, An act creating a retirement system for firemen,

Having considered the same, reported the same with the following amendments and recommended that the bill as amended ought to pass.

Amend the title of said bill by striking out the same and inserting in place thereof the following:

An act relative to the study of retirement systems for state and municipal employees.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *Commission Constituted; Expenses.* For the purposes hereinafter set forth there is hereby established a commission on retirement systems, consisting of five competent persons to be appointed by the governor, with the advice and consent of the council. The members of said commission shall serve without compensation, but shall be allowed their reasonable expenses incurred in the performance of their duties.

2. *Duties.* The duties of said commission shall be to investigate and study the matter of establishing retirement systems for state and municipal employees and to make a report and recommendations to the next session of the legislature. Said commission, within the limits of the appropriation made hereunder, may employ and fix the compensation of such assistants as it deems necessary for the purposes hereof.

3. *Appropriation.* For the purposes of this act the sum of not exceeding two thousand five hundred dollars is hereby appropriated and the governor is hereby authorized to draw his warrants for said sum out of any money in the treasury not otherwise appropriated.

4. *Term of Office.* Upon completion and filing of the report and recommendations as required by section 2 hereof the authority of the commission shall terminate.

5. *Takes Effect.* This act shall take effect upon its passage.

WILLIAM WESTON,  
*For a Minority of the Committee.*

The report of the majority was accepted.

Senator Weston moved that the report of the minority, ought to pass as amended, be substituted for that of the majority, ought to pass.

(Discussion ensued)

Senator Weston requested a division.

Seven Senators having voted in the affirmative and fifteen Senators having voted in the negative, the negative prevailed, and the motion to substitute was lost.

The question being stated,

Shall the recommendation of a majority of the Committee be adopted?

On a *viva voce* vote the affirmative prevailed, the recommendation of the committee was adopted and the bill was referred to the Committee on Finance, under the rules.

A majority of the Committee on Judiciary, to whom was referred,

Senate Bill No. 50, An act relative to the supervision of electricians,

Having considered the same, reported the same with the following resolution:

*Resolved,* That it is inexpedient to legislate.

WILLIAM WESTON,  
RALPH ESTABROOK,  
OLIVER MUNROE,  
FRANK BRYANT,  
*For a Majority of the Committee.*

A minority of the Committee on Judiciary, to whom was referred,

Senate Bill No. 50, An act relative to the supervision of electricians,

Having considered the same, reported the same with the following amendment and recommended that the bill as amended ought to pass.

Amend section 2 of the printed bill by inserting after the word "Code" in line 6 the words, or local ordinance, so that said section as amended shall read as follows:

2. The State Examiners of Electricians, in this chapter called the examiners, shall make and enforce necessary rules, requirements and regulations for the proper performance of their duties and for the proper carrying out and enforcement of this chapter in National Electrical Code or local ordinance. They shall hold frequent examinations in Concord, and twice in each year, shall hold examinations in at least two other convenient places within the state, and they may hold occasional examinations in other places, when they see fit.

They shall make an annual report of their doings. In the conduct of the examinations they shall make uniform requirements, which may be revised from time to time, as circumstances require. Said examinations shall be sufficiently frequent to give ample opportunity for all applicants to be thoroughly and carefully examined, may be written or in practical work, or both, and may be supervised by one or more of the examiners or the secretary, but no license shall be granted without the sanction of the examiners.

Amend paragraph 3 section 3 of said printed bill by striking out the word "fifteen" in line 65 and inserting in its place the words, twenty-five and by striking out the word "five" in line 66 and inserting in its place the word, ten; and by striking out the word "five" in line

70 and inserting in its place the words, twenty-five, and by striking out the word "one" in line 71 and inserting in its place the word, five, so that said paragraph as amended shall read as follows:

(3) Persons desiring an examination shall make written application therefor, accompanied by the proper fee, which shall be twenty-five dollars for "Certificate A" and ten dollars for "Certificate B." An applicant failing in his examination shall not have his fee returned to him, but shall be entitled to one re-examination. For each subsequent re-examination for "Certificate A" he shall pay twenty-five dollars, and for "Certificate B" five dollars.

Amend paragraph (4) of section 3 by striking out the word "ten" in line 76 and inserting in its place the word, twenty-five so that said paragraph shall read as follows:

(4) Each "Certificate A" shall expire on July first in each year, but may be renewed by the same person, or the same firm or corporation, acting by one or more of its members or officers without further examination, upon payment of a fee of twenty-five dollars, application therefor being made during the preceding month.

Amend paragraph (5) of section 3 by striking out the word "one" in line 81 and inserting in its place the word, five, so that said paragraph as amended shall read as follows:

(5) Each "Certificate B" shall expire on July first in each year, but may be renewed upon payment of a fee of five dollars, and upon the same condition set forth in the preceding paragraph.

Amend section 8 by striking out the words "This chapter" in line 1 and inserting in place thereof the words "This act shall not apply to the installation, re-

pairing and wiring of elevators or" so that said section as amended shall read as follows:

8. This act shall not apply to the installation, repairing and wiring of elevators or shall not apply to work in connection with the erection, construction, maintenance or repair of lines for transmission of electricity from the source of supply to the service switch on the premises where used, by municipal electric plants, by electric companies, by gas companies authorized to make or sell electricity, by electric street railway companies, by electric railroad companies, or by railroad companies; nor to the work of such plants or companies on premises owned or controlled by them; nor to the work of said municipal electric plants or of said electric or gas companies in installing, maintaining and repairing on the premises of customers, service connection and meters and other apparatus and appliances remaining the property of such plants, or companies after installation; nor to work in connection with the lighting of public ways, alleys, private ways or private or public parks, areas or squares; nor to the work of municipal police and fire alarm systems, or companies incorporated for the transmission of intelligence by electricity in installing, maintaining or repairing wires, apparatus, fixtures or other appliances used by such companies and necessary for or incident to their business, whether or not such wires, conduits, apparatus, fixtures or other appliances are on its own premises.

Amend section 10 of said printed bill by striking out the whole thereof and inserting in its place the following:

10. Fees and fines collected under this chapter shall be paid to the state as a separate fund to defray the



expenses of electrical inspectors and examining board. The governor and council will appoint an examining board of three practical electricians of at least ten (10) years' experience, one of whom shall be appointed as secretary. These examiners shall be appointed for a term of first, for six years, second, for four years and third for two years and each two years shall appoint or reappoint a new man, their pay to be eight (\$8) dollars a day, plus expenses when working. Any person or persons subject to the provisions of this act may after action of the Board of Examiners appeal such action to a Justice of the Superior Court of the county in which he resides.

WILLIAM COLE,  
DENIS MAHONEY,  
ALBERT C. LAZURE,  
*For a Minority of the Committee.*

The report of the majority was accepted.

Senator Lazure moved that the report of the minority, ought to pass with amendment, be substituted for that of the majority, inexpedient to legislate.

(Discussion ensued)

Senator Mahoney requested a division.

Eight Senators having voted in the affirmative and thirteen Senators having voted in the negative, the negative prevailed and the motion to substitute was lost.

The question being stated, Shall the recommendation of the majority, inexpedient to legislate, be adopted?

On a *viva voce* vote the affirmative prevailed.

A majority of the Committee on Liquor Laws, to whom was referred,

Senate Bill No. 47, An act relating to the biennial referendum,

Having considered the same, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

WILLIAM WESTON,  
CHARLES BUTLER,  
STANLEY JAMES,  
FRANK BRYANT,

*For a Majority of the Committee.*

A minority of the Committee on Liquor Laws, to whom was referred,

Senate Bill No. 47, An act relating to the biennial referendum,

Having considered the same, reported the same without amendment and recommended its passage.

DENIS F. MAHONEY,

*For a Minority of the Committee.*

The report of the majority was accepted.

Senator Mahoney moved that the report of the minority, ought to pass, be substituted for that of the majority, inexpedient to legislate.

(Discussion ensued)

Senator Bond requested a division.

Ten Senators having voted in the affirmative and twelve Senators having voted in the negative, the negative prevailed and the motion to substitute was lost.

The question being stated, Shall the recommendation of a majority of the committee be adopted?

On a *viva voce* vote the affirmative prevailed.

Senator Lazure, for the Committee on Judiciary, to whom was referred,

Senate Bill No. 55, An act relating to bookies.

Having considered the same, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and recommendation of the committee adopted.

Senator O'Malley, for the Committee on Finance, to whom was referred,

Senate Bill No. 26, An act relative to the safety and health of persons engaged in building and road construction projects.

Having considered the same, reported the same without amendment and recommended its passage.

The report was accepted, recommendation of the committee adopted and the bill ordered to a third reading this afternoon at two o'clock.

Senator Lazure, for the Committee on Engrossed Bills, to whom was referred,

House Bill No. 369, An act to provide highway funds for construction, reconstruction and maintenance and for the reimbursement of towns for hurricane-flood damage.

Having considered the same, reported the same under Joint Rule No. 6, with the following amendments and recommended that the bill as amended ought to pass.

Amend section 3 of said bill by striking out the word "construction" in the last line and inserting in place thereof the word, reconstruction.

Amend section 7 by striking out the word "chart" in the twenty-fifth line and inserting in place thereof the word plan.

Amend section 11 by striking out the words and figures "as amended by chapter 115 of the Laws of 1931" and inserting in place thereof the words and figures, as amended by chapter 151 of the Laws of 1933. And further amend said section 11 by insert-

ing after the figure "41" in the twenty-third line the word, and.

The report was accepted, amendments adopted and the bill sent to the House of Representatives for concurrence in the Senate amendments.

Senator Lazure, for the Committee on Engrossed Bills, to whom was referred,

Senate Bill No. 30, An act relative to the qualifications for applicants for examinations for the practice of medicine.

Having considered the same, reported the same under Joint Rule No. 6, with the following amendment and recommended that the bill as amended ought to pass.

Amend the title of said bill by inserting at the end of the same the words, and the practice of chiropractic.

The report was accepted, amendment adopted and the bill sent to the House of Representatives for concurrence in the Senate amendment.

Senator Lazure, for the Committee on Engrossed Bills, to whom was referred,

House Bill No. 321, An act relative to unemployment compensation.

Having considered the same, reported the same under Joint Rule No. 6, with the following amendments and recommended that the bill as amended ought to pass.

Amend section 9 of said bill by striking out the first two lines and inserting in place thereof the following:

9. *Waiting Period.* Amend section 3 of said chapter 179-A by striking out subsections D and E and inserting in place thereof the following:

Amend section 15 of said bill by striking out the words "employer's accounts" in the twenty-fifth line and inserting in place thereof the words, an employer's account.

Amend section 16 of said bill by inserting the word "of" after the word "all" in the second line.

Amend section 20 of said bill by inserting a comma after the word "private" in the sixth line.

Amend section 21 by inserting the letter K at the beginning of the ninth line.

The report was accepted, amendments adopted and the bill sent to the House of Representatives for concurrence in the Senate amendments.

Senator Lazure, for the Committee on Engrossed Bills, to whom was referred,

House Bill No. 219, An act closing certain waters in the towns of Cambridge and Errol to fishing.

Having considered the same, reported the same under Joint Rule No. 6, with the following amendments and recommended that the bill as amended ought to pass.

Amend section 1 of said bill by striking out said section and inserting in place thereof the following:

1. *Closed to Fishing; Exception.* Amend section 7 of chapter 155 of the Laws of 1935, as inserted by section 4, chapter 96, Laws of 1937, by adding after paragraph XVII, as inserted by an act entitled "An act relative to fishing in the tributaries of Sunapee lake" passed at the 1939 session of the General Court, the following new paragraph:

XVIII. Sessions pond brook in Cambridge, Little Millsfield pond brook, Jacknife Hill brook, Munn pond brook and Smoky Camp brook in the town of Errol, from the west side of the main roads, except that smelt may be taken by the use of a dipnet, during the open season therefor.

2. *Repeal.* So much of section 3-a, chapter 155. Laws of 1935, as inserted by section 4, chapter 170,

Laws of 1937, as is inconsistent with the provisions hereof is hereby repealed.

Further amend said bill by renumbering section 2 to read section 3.

The report was accepted, amendments adopted and the bill sent to the House of Representatives for concurrence in the Senate amendments.

### Bills Engrossed

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled bills and joint resolution:

House Bill No. 205, An act relative to the gross weight of motor vehicles.

House Bill No. 361, An act relative to the Kearsarge Mountain recreational area and powers and duties of the state forester.

House Bill No. 365, An act to regulate fishing through the ice.

House Bill No. 381, An act relative to the maintenance of roads within certain state reservations.

House Bill No. 396, An act relating to the taking of lake trout in Massabesic lake.

House Bill No. 408, An act defining urban and rural residence districts under motor vehicle laws and regulating speed limit of motor vehicles.

House Bill No. 413, An act relative to the Congregational Society in Tamworth.

House Joint Resolution No. 32, Joint resolution providing for a survey of roadside conditions in the state.

Senate Bill No. 5, An act relative to conduct of candidates at primaries and elections and notification of candidates by the secretary of state.

Senate Bill No. 8, An act providing for the payment by wholesale permittees of certain fees for the sale of certain alcoholic beverages.



Senate Bill No. 43, An act relating to the registration of certain motor vehicles.

House Bill No. 270, An act to authorize the bureau of labor to assist and co-operate in the enforcement of the Federal Fair Labor Standards Act of 1938.

House Bill No. 329, An act relative to the issuance of bonds or notes to forward the building program at the University of New Hampshire, and to be liquidated from university income.

House Joint Resolution No. 64, Joint resolution relating to occupational diseases.

OLIVA MUNROE,  
*For the Committee.*

The Honorable Enoch D. Fuller, Secretary of State, appeared and submitted the following report.

## REPORT

*To the Governor, the Executive Council, the Honorable Senate and the House of Representatives of the State of New Hampshire:*

### GREETINGS:

In accordance with the provisions of chapter 116, Laws of 1931, the biennial report of the New Hampshire Shore and Beach Preservation and Development Commission is respectfully submitted.

*Membership:* During the two-year period following the report of the commission to the 1937 legislature several changes in membership have occurred. The Honorable George H. Moses of Concord resigned early in 1938, and the vacancy thereby created was filled by the Governor and Council with the appointment of Daniel H. Dickinson, C. E., who is now the engineer of the Commission and authorized by Congress to carry on co-operative work with the Federal

Erosion Board. In the fall of 1938 we lost, through death, our vice-president, Honorable Walter G. Marston of Rye, a highly respected member of the Commission. The vacancy thereby existing was filled by the Governor and Council by the appointment of Shirley S. Philbrick of Rye. The present membership is as follows: George Ashworth, Hampton Beach, president, term expires April 22, 1941; Elihu T. Adams, Seabrook, vice-president, term expires April 22, 1943; Charles Francis Adams, Hampton, secretary, term expires April 22, 1939; Major Charles E. Greenman, Hampton, treasurer, term expires April 22, 1941; Daniel H. Dickinson, C. E., Concord, engineer, term expires April 22, 1939; Shirley S. Philbrick, Rye, term expires April 22, 1943.

Appointments to succeed the terms of Daniel F. Dickinson, C. E., engineer, and Charles Francis Adams, secretary, are necessary in April, 1939.

In October, 1938, at a duly called meeting of the Commission a Committee on Resolutions on the death of Honorable Walter H. Marston was appointed. The committee reported the following resolution which was unanimously adopted:

Hampton, N. H.,  
November 10, 1938.

### IN MEMORIAM

At the annual meeting of the New Hampshire Shore and Beach Preservation and Development Commission, the following resolutions were adopted:

*Whereas*, It has pleased Almighty God in his mercy to take unto Himself a beloved member of our Commission, Walter G. Marston, and remove him from our midst,

*Therefore, Be It Resolved*, That it is but a just tribute to the memory of the departed one to say that

in regretting his removal from among us we mourn for one who was in every way worthy of our respect and esteem, and that the Commission recognizes its loss of a faithful member;

*Resolved*, That in their bereavement we tender the family the sympathy of the Commission, and with them we mourn our mutual loss;

*Resolved*, That a copy of these resolutions be sent to the family of the deceased and entered on the records of the Commission.

CHARLES E. GREENMAN,  
DANIEL H. DICKINSON,

*For the Commission.*

*Projects for Immediate Construction.* Of the major projects for coastal improvement recommended by the Commission in its report to the 1937 Session of the General Court, the Rye Harbor improvement was authorized and 55 per cent of the estimated cost was voted, contingent upon a 45 per cent grant from the Federal administration. In the 1939 legislature, now in session, bills have been introduced or are in preparation for introduction, covering the following:

1. *State Pier at Portsmouth.* New Hampshire State Planning and Development Commission to make a study of and recommendations relative to the feasibility and value of such a pier.

2. Memorial shrine dedicated to the "birthplace of New Hampshire" at Odiorne's Point, Rye.

3. Control of navigation in Hampton Harbor and appointment of a Harbor Master.

4. Drainage of marsh lands in North Hampton and Hampton by construction of a deeper outlet for Little river into the ocean.

5. New bridge over Hampton river designed to accommodate a large and rapidly increasing automobile traffic and to form an artistic foreground for future developments about Hampton Harbor and the marsh lands.

6. A parking area west of Marsh avenue designed to accommodate 4000 automobiles.

7. Widening of Marsh avenue and construction of a four-lane highway together with the widening of a section of Ocean Boulevard.

8. *Continuation of Rye Harbor Improvement.* The Rye Harbor improvement is now well underway. The first step in the project was the construction of jetties, the contract for which was let to a Maine construction firm, Wyman & Simpson of Waterville and Augusta, Maine.

Further steps in this important program will be dredging of the harbor and the construction of a drill field and airport for the use of the New Hampshire National Guard, all of which is highly recommended by this Commission.

Members of the legislature, to whom this report is submitted, will find a clear picture of the present work and its historical background in the following article by Mr. George Ashworth, president of this commission and a director in the American Shore and Beach Preservation Association, prepared for presentation to the latter organization and read at its December meeting in Washington, D. C.

## CONSTRUCTION BEGINS ON THE RYE HARBOR BREAKERS

By George Ashworth

Another step in the development of Rye Harbor, New Hampshire, took place on October 14 when Gov-

ernor Francis P. Murphy of the Granite State released the first stone weighing approximately six tons, which marked the start of construction of two stone breakwaters at the entrance to the Harbor. The construction of these breakwaters culminates the efforts for the past twelve years of public spirited men of the Town of Rye, and nearby towns to provide a safe harbor where small craft can be moored safely during times of storm.

The first development of the Rye Harbor region probably began as early as 1756 when the citizens of the town decided to dig out a harbor between Little Neck and the eastern end of The Stones, which would be just south of the present harbor. Back in 1792, the shore end of Rye Harbor probably had a somewhat different shape than it has at present, although the outline of the Harbor at the ocean end appears to have changed very little. The so-called Harbor in those days was probably the cove or inlet located at the bridge shown on the south side of the Harbor in Figure 1. A plan of the Harbor drawn in 1852 shows at least two wharves in this protected cove. The history of the Town of Rye records the excavation of this cove or so-called harbor by the citizens of the town in 1792. It states, "In May 1792, the town voted a committee to dig out Rye Harbor between Ragged Neck and Little Neck, and appointed a committee of seven to dig out where they think it proper." Some excavation may have been necessary in the area between Ragged Neck and Little Neck in order to provide a channel to the ocean during half or low tides.

After a lapse of about 150 years the continued development of the Harbor include the dredging of the Harbor to a depth of 8.0 feet below mean low water, which will make a greater water area available at low tide for the safe mooring of pleasure and other types of craft; the use of the dredged material for the reloca-

tion of the coast highway and the filling in of the low marsh area just west of the Harbor for possible use as an airplane landing field and a drill field for National Guard manoeuvres.

Considerable thought and study was given to the best location and direction of the breakwaters for resisting the wave action resulting from the severe storms that come from the northeast, before the final location shown on Figure 1 was adopted. The channel end of the north breakwater is located about 200 feet nearer the ocean than the end of the south breakwater, thereby insuring that the direction of the waves impinging on the north breakwater will be redirected southward parallel to the coast and allowed to spend themselves in the ocean away from the entrance to the Harbor. Thus this arrangement will enable craft to safely enter the harbor during times of storm, since a comparatively quiescent area of water will be present adjacent to the entrance of the Harbor. The south breakwater will protect the Harbor from southeast storms which are usually of short duration. The opening provided between the ends of the breakwaters will be about 300 feet at mean sea level.

The breakwaters are being constructed of heavy dense stone, usually called quarry grout, of two classifications: Class A stone consists of stone weighing not less than ten tons each; Class B stone consists of stones weighing between four and six tons each. The specifications require that the stones used shall be of good quality as regards strength, durability, and density. Any stones containing seams or laminations will not be permitted in the breakwaters. The specifications also require that the stones be unsquared, angular blocks, to insure the maximum possible keying-in of each stone with the surrounding stones. The Class A stones will be used as cap stones for the tops of the



breakwaters and to pave the slopes at the channel ends. The core of the breakers will consist of Class B stones and the remainder of the slopes will be paved with this same classification of stone. The width at the tops of the breakwaters (see Figure 2) will be 12 feet. The stones on the ocean side of the breakwaters will be placed on a 2:1 slope and the stones on the harbor side placed on a  $1\frac{1}{2}$ :1 slope. The north breakwater will have a length along the top from the shore and to the channel end, when completed, of approximately 540 feet, and the south breakwater, a length of approximately 530 feet.

There are several advantages which will be derived from the construction of the breakwaters, as follows: (1) a haven of refuge will be provided for pleasure, fishing, and other types of craft that are moored or are in the vicinity of the harbor during storms; (2) the harbor will be enclosed and protected from erosion; (3) the coast boulevard adjacent to the harbor will be protected from destruction by wave action; (4) the life-saving and assistance efforts of the Coast Guard will be abetted by the location of a protected harbor in this vicinity. The history of Rye records many instances of vessels having been wrecked on the coast near the Harbor, and had the breakwaters been constructed years ago, many of these disasters could have been averted.

The low bidder on the project was Wyman & Simpson, Inc., of Waterville, Maine. The price bid on 9540 tons of Class A stone was \$4.10 per ton in place, and on 38,160 tons of Class B stone the price of \$3.55 per ton, making a total contract price for the two classes of stone of \$174,582 in place.

The cost of the project is being financed by the State of New Hampshire and by a 45 per cent grant from the

P. W. A. It is expected that two breakers will be completed in the early summer of 1939.

The design and preparation of plans for the breakwaters were under the supervision of Mr. D. H. Dickinson, Chief Engineer of the New Hampshire Highway Department, who has had many years of experience in the design and construction of works for harbor development and improvement; as well as works for the protection of the seacoast and the restoration and stabilization of beaches.

Continuation of the project, of which the foregoing was the first step, will be authorized by a bill now in the Committee on Coastwise Improvements, if passed, and will authorize the following:

(a) The creation of a harbor of refuge and safe anchorage located midway between Portsmouth Harbor and Hampton river, for small boats, launches and yachts.

(b) The improvement and development of some twelve or more acres of marsh land, now owned by the state, into an attractive and valuable recreational center with an considerable frontage on both the state highway and the Harbor

(c) The creation of a large state-owned park of about thirteen or more acres, on now privately owned land, which, it is claimed, will include one of the coolest and most sightly points of land north of Boston.

(d) The development of facilities for bathing, swimming, boating and fishing, as well as the establishment of athletic fields, picnic grounds, open air amphitheatre for large numbers of people and ample parking areas for several thousand automobiles.

(e) The protection from the ravages of winter ocean storms of an important section of the state high-

way, thereby saving the state an expenditure which at times amounts to several thousand dollars a year.

(f) A desirable relocation of a section of the state highway to eliminate two sharp and dangerous curves.

(g) The provision of a location for a new base for the United States Coast Guard Service, to which life-saving motor boats may be assigned, as suggested in a letter from Commander S. R. Sands.

(h) The protection and probable extension of the lobstering and fishing industry.

(i) The construction of an emergency landing field for aeroplanes which might well merit the support and participation of the United States Department of Commerce.

*Birthplace of New Hampshire.* There are few episodes in the history of New Hampshire that carry the weight of sentiment and historic importance as does that little spot at Odiorne's Point in Rye where the first white settlement in New Hampshire was planted. Every citizen of this old Granite State must have a sentimental affection for this spot and heartily endorse, as does this Commission, the movement to enshrine the location under state authority and to set up there a suitable memorial with a proper setting of beautified landscape that shall be forever a sacred spot to posterity.

The Seacoast Regional Association has prepared an interesting brochure on the subject from which we take the following:

#### BIRTHPLACE OF NEW HAMPSHIRE

Two score years ago the National Society of Colonial Dames erected a commemorative marker at the birthplace of New Hampshire.

HERE LANDED  
IN THE SPRING OF 1623  
THE FIRST BAND OF ENGLISHMEN  
PIONEERS IN THE PLANTING OF  
NEW HAMPSHIRE  
CONSECRATING THIS SOIL TO THE  
SERVICE OF  
GOD AND LIBERTY  
1623 - 1899

Here close by the shore of the mighty Atlantic, landed the first band of pioneers, the forefathers of New Hampshire. After all, who among us is not indebted in a great measure to those whose determination, privations and sacrifices founded this, our State. Our predecessors gave to us a prestige of which we justly speak with pride, of which but few states can boast, a background of well over three centuries.

They deeded priceless heritages to each and every one of us. To them we owe a debt of gratitude, and to the early historians, whose forethought led them to jot down notes, although attempted well over a half century after the landing of our forefathers at Odiorne's Point. They speak to us today, sometimes in that uncertain yet enchanting way, forced by necessity to resort to tradition, particularly of the first eight years after the birth of New Hampshire at Odiorne's Point. They gleaned their say-so from those within their own narrow horizon, sometimes in error, through no fault of their own, they are deserving of our praise, for to the world they gave their best.

Fortunate today are we that the shadows of obscurity were lifted in the summer of 1874 when deeds, parchments, grants, patents and indentures were found in England. These and many other documents that come to light in 1876 settle beyond the shadow of a doubt that the first landing of the pio-

ners of New Hampshire was from the ship *Jonathan* at Odiorne's Point in the spring of 1623.

So, today on a solid foundation we build; beginning at the threshold of New Hampshire, step by step they lead us onward, from its rock-bound shore and sandy beaches, along bays, marshes, rivers, tributaries, lakes and streams, through fields, valleys and forests, over granite hills and mountains well up into the clouds.

This shrine of which we speak is as much a part of the White Mountain, Dartmouth-Lake Sunapee, Lakes and Monadnock Regions, as it is of the Seacoast Region. It belongs to Concord, Manchester and Nashua equally as much as it does to the town of Rye. *It is the Birthplace of New Hampshire.*

*Development of the Port of Portsmouth.* This Commission believes that the development of commercial facilities at Portsmouth, including a State pier, will prove to be of great future advantage to the state of New Hampshire and her industrial advancement, and urge the passage of a bill now in the legislature.

On request of the U. S. Maritime Commission, a report on the potential use of the port of Portsmouth was made by the New Hampshire State Planning and Development Commission, which contains much valuable data in regard to this much needed project from which we quote the section devoted to a summary of tonnage of sixty New Hampshire business concerns:

#### SUMMARY OF POTENTIAL ANNUAL TONNAGE OF 60 N. H. BUSINESS CONCERNS

##### Source and Destination

	Imports	Exports	Total
Atlantic Coast . . . . .	729,947	31,800	761,747
Pacific Coast . . . . .	6,794	500	7,294
Foreign Countries . . .	5,947	27,314	33,261
Total . . . . .	742,688	59,614	802,302

## Commodities

	Imports	Exports	Total
Oil and Oil Products .	334,822	.....	334,822
Coal and Coke .....	296,720	.....	296,720
Gypsum Rock and Products .....	60,000	19,200	79,200
Grain .....	9,390	15,000	24,390
Textiles .....	11,675	2,825	14,500
Scrap Iron .....	.....	12,000	12,000
Stone and Clay .....	1,690	9,000	10,690
Cement .....	9,500	.....	9,500
Wood Pulp .....	7,020	.....	7,020
Lumber .....	4,610	.....	4,610
Chemicals .....	3,877	400	4,277
Miscellaneous .....	1,200	1,004	2,204
Food Supplies .....	1,089	5	1,094
Plaster Board .....	600	.....	600
Tobacco .....	495	.....	495
Metal Products .....	.....	180	180
Total .....	742,688	59,614	802,302

## New Tidal Outlet at North Hampton

A bill asking \$10,000 for the construction of a larger and deeper water outlet under ocean boulevard at North Hampton for the drainage of the marshes in North Hampton and Hampton is now in the Committee on Coastwise Improvements. This committee urges its passage not only for better drainage of tidal water from the low area, but for the protection of the highway. During the recent spring tides as much as a quarter of a mile of ocean boulevard was under water endangering the safety of the public.

*Harbor Master at Hampton Harbor.* At the time of the compiling of this report, the bill giving authority for the appointment of a harbor master and control of



navigation in Hampton river, proposed by the Hampton Beach Chamber of Commerce and supported by this Commission, has passed the House and is now in the Senate.

### **New Bridge over Hampton River**

Hearings on this bill, prepared for the Highway Department by the Attorney General's office, before the Public Improvements Committee, has developed no opposition but was vigorously supported by all interests at Hampton Beach, by Governor Murphy, the Highway Department and this Commission. It is hoped that the measure will have received legislative approval and work begun this summer.

*Parking Area.* The bill for construction of a parking area on Marsh avenue is still in the Rules Committee. The project is the most necessary of any of the proposed improvements at the Beach as present accommodations are entirely inadequate and the continually increasing patronage at New Hampshire's longest and most popular seaside resort makes some form of additional parking places absolutely necessary.

### **Other Projects**

*Blackwater River Canal.* The co-operation of this Commission with Massachusetts authorities and members of Congress from both states resulted in a survey of the proposed canal connecting the Merrimack and Hampton rivers as a part of the National Inland Waterways project. This survey was then submitted to the board of army engineers from whom came an adverse report.

Hon. Arthur B. Jenks, Congressman from the First New Hampshire District, who has been deeply interested in this project and of much assistance in behalf of New Hampshire interests, notified the Commission in the following letter:

April 18, 1939.

Mr. Charles Francis Adams,  
Secretary New Hampshire Shore and Beach  
Preservation and Development Commission,  
Hampton, New Hampshire.

DEAR MR. ADAMS:

With further reference to your interest in the proposed Inland Waterway between the Merrimack River and Hampton Harbor, I have to advise that the Chief of Engineers, U. S. Army, on April 11, notified me that the survey made in connection with this proposed project was completed; the following day I called at his office and read the report, which is unfavorable. This adverse conclusion is based on a finding that the cost of constructing the proposed Inland Waterway would be far in excess of the value of any prospective general benefits and is not economically justified.

However, the Board of Engineers for Rivers and Harbors of the War Department will receive and consider any appeals from this conclusion.

I am transmitting this information to you for such action as you may care to take on it.

Regretting that the circumstances do not permit my sending a more encouraging report, I am

Sincerely yours,

(Signed) A. B. JENKS.

Appeals will be taken by our Commission and by Massachusetts authorities and efforts made to obtain this most desirable section of water courses along the Atlantic coastline.

*Parking Area for Hampton Beach.* A bill for this necessary project is now in the Rules Committee of the legislature. The need of economy in state expendi-

tures makes the passage of the bill rather difficult, but the urgency of need of parking areas at Hampton Beach impels this Commission in recommending its passage in a limited form enabling at least the purchase of necessary land for the project at this time. A plan showing the location and extent of the area is appended to this report.

### Recheck on Government Survey

The 1933 Survey by U. S. Army Engineers, under the Federal Erosion Board, is to be rechecked by vote of this Commission and our engineer was authorized to co-operate with the government. The following correspondence covers the recheck project.

The District Engineer,  
U. S. Engineer Office,  
Park Square Bldg.,  
Boston, Mass.

August 31, 1938,  
Hampton Beach.

DEAR SIR:

In accordance with the provisions of an act approved June 26, 1936, (49 Stat. 1982) the New Hampshire Shore and Beach Preservation and Development Commission desires to make formal application for a co-operative study of the problems at Hampton beach, Hampton River harbor and Seabrook beach, Hampton, New Hampshire, for determining the best methods of preventing further erosion of, stabilizing, and restoring the beaches; and determining the extent of silting or erosion in the harbor.

It is desired that this study be prosecuted jointly by the United States through the Beach Erosion Board, and by the New Hampshire Shore and Beach Preservation and Development Commission.

I. *Authority.* The New Hampshire Shore and Beach Preservation and Development Commission is authorized by Act of Legislature, Chapter 116, Laws of 1931 to cause investigations and studies to be made in co-operation with the appropriate agencies of the United States to devise effective means of preventing erosion of the shores of the coastal waters of the state.

II. *Engineering Representative.* The above Commission has designated Mr. D. H. Dickinson, Chief Engineer of the New Hampshire Highway Department, and engineer and member of the New Hampshire Shore and Beach Preservation and Development Commission, as its engineering representative in the investigations and studies proposed.

III. *Location Map.* The location of the proposed studies and investigations is shown by the General Plan of Hampton Beach, Hampton, New Hampshire, File No. 195, D-4-4, prepared by your office in 1932.

IV. *Outline of Proposed Study.* It is proposed that as soon as possible and every five years thereafter, and immediately following severe storms between the five-year periods, studies be made as to extent and location of erosion and accretion at Hampton Beach, Hampton River harbor, and Seabrook beach. It is proposed that through the studies, corrective methods be determined to prevent further erosion, to restore the beach in any eroded areas, and insure the stabilization of the beaches after corrective methods have been completed.

The field work necessary before the above studies can be made will consist mainly of a hydrographic survey by means of soundings in the water area, and the usual methods on the beach or land area. It is suggested that the field work be divided into two parts,

the one part comprising the area beyond low water in which it will be necessary to take soundings from a boat, and the other part comprising the area above low water.

The office work will consist mainly of the plotting of the soundings and elevations in the beach and harbor areas. From the elevations, contours can be drawn similar to sheet Nos. 1 and 2 of plans drawn by Office of District Engineer in 1932, and comparison made of the shore line and the harbor to determine the location and extent of any erosion and accretion. From the knowledge of what erosion or accretion has occurred, further studies can be made to determine the corrective methods necessary to prevent erosion of, stabilize, or restore the beaches.

V. *Previous Investigations and Reports Related to the Proposed Study.* Previous investigations have been made of this area by the United States Engineer's Office in 1855, 1886, 1908, 1911, 1912, 1926, 1928, and 1931.

VI. *Extent and Method of Co-operation.* It is suggested that the United States District Engineer upon recommendation of the Beach Erosion Board and the New Hampshire Shore and Beach Preservation and Development Commission each contribute \$1,500.00, making a total of \$3,000.00 from both parties to defray the entire cost of the proposed investigations and studies. It is further proposed that the amount of \$1,500.00 be contributed regularly hereafter by each party every five years and after each severe storm, so that the proposed studies can be conducted periodically and without unnecessary delay.

It is suggested that the field work in the water areas be done by the Office of District Engineer of the War

Department and the field work in the shore area above low water be done by the New Hampshire Shore and Beach Preservation and Development Commission. It is further suggested that the plotting of the survey and the studies thereafter be done by both parties, the portion done by each party to be determined by the amount necessary to equalize the cost of the entire work between the two parties.

It is hoped that the proposed investigations and studies can be undertaken within a reasonable length of time.

Yours very truly,

New Hampshire Shore and Beach Preservation  
and Development Commission.

(Signed) GEORGE ASHWORTH,  
*Chairman.*

WAR DEPARTMENT

United States Engineer Office  
Boston, Mass.

April 21, 1939.

Mr. D. H. Dickinson, Engineer,  
New Hampshire Shore and Beach Preservation  
and Development Commission,  
New Hampshire Highway Department,  
Concord, New Hampshire.

DEAR MR. DICKINSON:

This office has recently been notified of approval by the Chief of Engineers of continuing co-operative study of Hampton Beach, New Hampshire. Photostatic copies of the correspondence concerning this matter are inclosed.



It is suggested that a conference between you and a representative of this office be arranged at a time and place convenient for you in order to discuss the necessary details of the survey to be made in June or July of this year.

For the Acting District Engineer:

Very truly yours,

(Signed) W. S. MOORE,

*Captain, Corps of Engineers*  
*Executive Officer.*

Inclosure:

Photostat copy of 43/302  
Portsmouth Harbor with  
1st to 5th Inds.

### Recommendations

#### For future study and execution.

Projects for future study and recommendations we reproduce from our report to the 1937 legislature as important factors in the development of Hampton Beach.

1. Marsh land development, a long term program for which the present seems an opportune time to make a start.
2. Reconstruction of the scenic boulevard from the Massachusetts line to the Memorial Bridge at Portsmouth and the new international bridge.
3. A secondary highway for through traffic, bypassing Little Boar's Head and Rye Beach.

4. Mosquito eradication under state supervision.
5. Great Bay shore development.
6. Construction of bath houses and comfort stations at intervals along the entire coast.
7. We recommend that special consideration and study be given to the route of the ocean boulevard north of Odiorne's Point.

The suggestion has been made that this proposed road might turn in an easterly direction at Seavey's Creek bridge and continue through the town of Newcastle then passing over Pierce Island, a beautiful and historic island of 27 acres municipally owned and overlooking New Hampshire's only sea port, the finest harbor on the Atlantic coast, then across the bridge to the main-land where is located some of the finest 18th century architecture in existence and which is the site of a proposed National Park.

This suggested route is a part of the plan for a new boulevard the entire length of the seacoast.

It is a long range program and should be carefully studied.

8. The Advisory Committee of the Seacoast Regional Association has given some thought to long range planning for the development of Great Bay.

The development of this large water area is of importance to several communities. It is not a matter for immediate action, but rather one for long range planning in order that developments may be made along constructive lines.

The possibility of a scenic highway—the control of the tidal water in order to develop the shore—for cottages and homes—the question of hunting and fishing—the re-stocking of the bay with salmon.

These and many other suggestions have been considered and we urge that consideration be given to this project as one of those recommended for future study.

GEORGE ASHWORTH,  
ELIHU T. ADAMS,  
CHARLES E. GREENMAN,  
DANIEL H. DICKINSON,  
SHIRLEY S. PHILBRICK,  
CHARLES FRANCIS ADAMS.

On motion of Senator Brouillette the rules were suspended and all business in order for this afternoon at two o'clock was made in order at the present time.

### Third Readings

The following entitled bill was read a third time and passed.

Senate Bill No. 26, An act relative to the safety and health of persons engaged in building and road construction projects.

On motion of Senator Avery the Senate adjourned.

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WEDNESDAY, MAY 17, 1939.

The Senate met according to adjournment.

### House Message

The following message was received from the House of Representatives by its Clerk:

*Mr. President:*

The House of Representatives has passed the following entitled bills in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 253, An act relating to clerk hire in the probate office of Strafford county.

House Bill No. 350, An act to amend and clarify the law relating to motor vehicles.

The message further stated that the House of Representatives has voted to concur with the Honorable Senate in its amendments to the following entitled bill:

House Bill No. 374, An act relative to employees of the Fish and Game Department.

The message further stated that the House of Representatives has voted to concur with the Honorable Senate in the passage of the following joint resolution sent down from the Honorable Senate:

Senate Joint Resolution No. 5, Joint resolution for securing and holding in New Hampshire the 1942 International Ski Federation World Championships.

The message further stated that the House of Representatives has voted to concur with the Honorable Senate in its adoption of the amendments offered by the Committee on Engrossed Bills to the following entitled bills:

House Bill No. 369, An act to provide highway funds for construction, reconstruction and maintenance and for the reimbursement of towns for hurricane-flood damage.

Senate Bill No. 30, An act relative to the qualifications for applicants for examinations for the practice of medicine.

House Bill No. 219, An act closing certain waters in the towns of Cambridge and Errol to fishing.

House Bill No. 321, An act relative to unemployment compensation.

The message further stated that the House of Representatives has voted to sustain His Excellency the Governor in his veto of House Joint Resolution No. 32, Joint resolution providing for a survey of roadside conditions in the state.

### Read and Referred

The following entitled bills sent up from the House of Representatives were read a first and second time and referred,

To the Committee on Judiciary,

House Bill No. 253, An act relating to clerk hire in the probate office of Strafford county.

To the Committee on Ways and Means,

House Bill No. 350, An act to amend and clarify the law relating to motor vehicles.

### Committee Reports

Senator Lazure, for the Committee on Agriculture, to whom was referred,

House Bill No. 390, An act to provide a bond issue for the eradication of bovine tuberculosis and Bang's disease.

Having considered the same, reported the same without amendment and recommended its passage.

The report was accepted, recommendation of the committee adopted and the bill referred to the Committee on Finance under the rules.

Senator Avery, for the Committee on Revision of Laws, to whom was referred,

House Bill No. 412, An act relative to the powers of the school district of Hampton.

House Bill No. 411, An act validating certain proceedings of the town meeting of the town of Lyndeborough.

Having considered the same, reported the same without amendment and recommended their passage.

The reports were accepted, recommendations of the committee adopted and the bills ordered to a third reading this afternoon at two o'clock.

Senator O'Malley, for the Committee on Finance, to whom were referred,

House Joint Resolution No. 62, Joint resolution making appropriation for the state prison farm.

House Bill No. 367, An act relating to parole from state prison.

Having considered the same, reported the same without amendment and recommended their passage.

The reports were accepted, recommendations of the committee adopted and the bill and joint resolution ordered to a third reading this afternoon at two o'clock.

### Majority and Minority Reports

A majority of the Committee on Judiciary, to whom was referred Senate Bill No. 56, An act relative to the qualifications of insurance agents,

Having considered the same, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

OLIVER H. MUNROE,  
WILLIAM M. COLE,  
ALBERT C. LAZURE,  
DENIS F. MAHONEY,

*For a Majority of the Committee.*

A minority of the Committee on Judiciary, to whom was referred Senate Bill No. 56, An act relative to the qualifications of insurance agents,

Having considered the same, reported the same without amendment and recommended its passage.

WILLIAM WESTON,  
FRANK J. BRYANT,  
A. RALPH ESTABROOK,

*For a Minority of the Committee.*

The report of the majority was accepted.



Senator Estabrook moved that the report of the minority, ought to pass, be substituted for that of the majority, inexpedient to legislate.

(Discussion ensued)

Senator Chesley demanded a roll call.

The following named Senators voted in the affirmative: Senators Bryant, Fairbanks, Weston, Noel, Avery, Bond, Chesley and Estabrook.

The following named Senators voted in the negative: Senators Lazure, Finley, Mitchell, Smart, Page, Munroe, Butler, Spaulding, James, O'Malley, Brouillette, Marcoux, Cole and Dale.

Eight Senators having voted in the affirmative and fourteen in the negative, the negative prevailed, and the motion to substitute was lost.

The question being stated,

Shall the recommendation of a majority of the committee be adopted?

On a *viva voce* vote the affirmative prevailed, and the recommendation of a majority of the committee, inexpedient to legislate, was adopted.

A majority of the Committee on Judiciary, to whom was referred Senate Bill No. 64, An act establishing the State Development and Publicity Department,

Having considered the same, reported the same without amendment and recommended its passage.

OLIVER H. MUNROE,  
WILLIAM M. COLE,  
ALBERT C. LAZURE,  
A. RALPH ESTABROOK,

*For a Majority of the Committee.*

A minority of the Committee on Judiciary, to whom was referred Senate Bill No. 64, An act establishing the State Development and Publicity Department,

Having considered the same, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

WILLIAM WESTON,  
FRANK J. BRYANT,  
DENIS F. MAHONEY,

*For a Minority of the Committee.*

The report of the majority was accepted.

Senator Weston moved that the report of the minority, inexpedient to legislate, be substituted for that of the majority, ought to pass.

(Discussion ensued)

Senator Mitchell requested a division.

Nine Senators having voted in the affirmative and thirteen Senators having voted in the negative, the negative prevailed and the motion to substitute was lost.

The question being stated,

Shall the recommendation of a majority of the committee be adopted?

Senator Weston demanded a roll call.

The Clerk proceeded to call the roll.

The following named Senators voted in the affirmative: Senators Lazure, Finley, Mitchell, Munroe, James, Noel, Bond, O'Malley, Brouillette, Marcoux, Cole, Estabrook, and Dale.

The following named Senators voted in the negative: Senators Smart, Bryant, Page, Fairbanks, Butler, Spaulding, Weston, Avery and Chesley.

Thirteen Senators having voted in the affirmative and nine Senators having voted in the negative, the recommendations of a majority of the committee were adopted, and the bill referred to the Committee on Finance, under the rules.

### Introduction of Bill

Senator Weston, for the Committee on Rules, introduced the following entitled bill, sponsored by Senator Chesley; which was read a first and second time, laid on the table to be printed, and referred to the Committee on Judiciary:

Senate Bill No. 68, An act to authorize the sale of property in Durham, New Hampshire, for the benefit of the University of New Hampshire.

### Bills Engrossed

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled bills and joint resolution:

House Bill No. 321, An act relative to unemployment compensation.

House Bill No. 369, An act to provide highway funds for construction, reconstruction and maintenance, and for the reimbursement of towns for hurricane-flood damage.

House Joint Resolution No. 12, Joint resolution to provide for additional facilities at the state sanatorium.

ALBERT C. LAZURE,  
*For the Committee.*

### Notice of Reconsideration

Senator James served notice that on tomorrow or some subsequent day he would move for reconsideration of the vote whereby the Senate voted to adopt the report of the majority of the Committee on Liquor Laws on Senate Bill No. 47, An act relating to the biennial referendum.

### Reconsideration

Senator Noel moved for the reconsideration of the vote on Senate Bill No. 47, An act relating to biennial referendum, at the present time.

(Discussion ensued)

Senator James requested a division.

Thirteen Senators having voted in the affirmative and nine in the negative, the affirmative prevailed and the motion to reconsider was adopted.

The question being stated,

This bill being on its second reading is open to amendment.

Senator James offered the following amendment:

Amend said bill by striking out in the 4th line the words "twenty per cent" and inserting in place thereof the words, "ten per cent," so that said section as amended shall read as follows:

1. *Sale of Liquor and Beverages.* Amend section 35 of chapter 3 of the Laws of the Special Session of 1934 by striking out said section and inserting in place thereof the following section: 35. *Local Option.* Upon petition of not less than ten per cent of the legal voters of any city or town, filed with the secretary of state not more than ninety days and not less than sixty days before a biennial election, the following questions shall be submitted to the voters of such city or town on a separate ballot at such biennial election: (a) "Shall state liquor stores be operated in this city or town under the provisions of the law?" (b) "Shall beverages be sold in this city or town under the provisions of the law?" If a majority of the qualified voters present and voting at such biennial election of a city or town signifies the disapproval of question (a) above, the commission shall not operate

state stores under the provisions of this act in such city or town. If a majority of the qualified voters present and voting at such biennial election of a city or town signifies the disapproval of question (b) above, the commission shall not issue permits in such city or town under the provisions of chapter 99 of the Laws of 1933, and amendments thereto.

If a majority of the qualified voters present and voting at such biennial election of a city or town signifies the approval of question (a) above, the commission may at its discretion operate state stores under the provisions of this act in such city or town. If a majority of the qualified voters present and voting at such biennial election of a city or town signifies the approval of question (b) above, the commission may issue permits in such city or town under the provisions of chapter 99 of the Laws of 1933 and amendments thereto.

It shall be the duty of the secretary of state to prepare all forms and ballots necessary to carry out the provisions of this section. Said ballots shall be so printed as to give to each voter an opportunity to designate by a cross (X) in a square his answer to the questions submitted.

The operation of state liquor stores and the issuance of licenses under the provisions of this act and the issuance of permits under the provisions of chapter 99, Laws of 1933, with amendments thereto, in cities and towns, shall be in pursuance with the approval or disapproval signified at the biennial election of 1938 in respect to the sale of liquors and beverages, unless and until changed pursuant with the provisions of this section.

Senator Noel requested a division.

Thirteen Senators having voted in the affirmative and ten Senators having voted in the negative, the

affirmative prevailed and the amendments were adopted, and the bill as amended was ordered to a third reading this afternoon at two o'clock.

### Personal Privilege

Senator Dale rose to a question of personal privilege and made the following statement:

That he was unavoidably absent on May 16, when House Bill No. 20, An act creating a retirement system for firemen, was passed. He undertook to secure a pair on this bill and was unable to do so. Had he been present he would have voted against substitution of the minority report, inexpedient to legislate, and would have voted for the passage of the bill.

On motion of Senator Marcoux the following resolution was adopted:

*Resolved*, That the rules be suspended and all business in order for this afternoon at two o'clock be made in order at the present time.

### Third Readings

The following entitled bills and joint resolution were read a third time and passed:

House Bill No. 411, An act validating certain proceedings of the town meeting of the town of Lyndeborough.

House Bill No. 412, An act relative to the powers of the school district of Hampton.

House Bill No. 367, An act relative to parole from the state prison.

Senate Bill No. 47, An act relating to the biennial referendum.

House Joint Resolution No. 62, Making appropriation for the state prison farm.

On motion of Senator Bond the Senate adjourned.



THURSDAY, MAY 18, 1939.

The Senate met according to adjournment.

### Leave of Absence

Senator Mahoney was granted leave of absence for the day on account of important business.

### House Message

The following message was received from the House of Representatives by its Clerk:

*Mr. President:*

The House of Representatives has passed the following entitled bills, in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 59, An act relating to the practice of optometry.

House Bill No. 159, An act providing for the litigation of small claims.

House Bill No. 401, An act relating to temporary vacancies in the office of town treasurer and treasurer of school districts.

House Bill No. 407, An act relative to hours of labor for laundry establishments.

House Bill No. 425, An act validating proceedings of the annual meeting of the Conway Village fire district.

The message further stated that the House of Representatives has voted to concur with the Honorable Senate in the passage of the following entitled bills and joint resolutions sent down from the Honorable Senate:

Senate Bill No. 57, An act relative to the use of number plates on motor vehicles.

Senate Joint Resolution No. 7, Joint resolution in appreciation of the work of the school safety patrols.

The message further stated that the House of Representatives has voted to concur with the Honorable Senate in its amendments to the following entitled bill:

House Bill No. 349, An act relative to the collection of legacy taxes upon certain contingent devices and bequests.

### **Read and Referred**

The following entitled bills sent up from the House of Representatives were read a first and second time and referred,

To the Committee on Revision of Laws,

House Bill No. 425, An act validating proceedings of the annual meeting of the Conway Village Fire District.

House Bill No. 59, An act relating to the practice of optometry.

To the Committee on Judiciary,

House Bill No. 401, An act relating to temporary vacancies in the office of town treasurer and treasurer of school districts.

House Bill No. 159, An act providing for the litigation of small claims.

To the Committee on Labor,

House Bill No. 407, An act relative to hours of labor for laundry establishments.

### **Committee Reports**

Senator Avery, for the Committee on Revision of Laws, to whom were referred,

House Bill No. 421, An act granting authority to sell land in Londonderry by the Governor and Council.

House Bill No. 419, An act validating the proceedings of the recessed town meeting in the town of Milford.

Having considered the same, reported the same without amendment, and recommended their passage.

The reports were accepted, recommendations of the committee adopted and the bills ordered to a third reading this afternoon at two o'clock.

Senator Avery, for the Committee on Military Affairs, to whom was referred,

House Bill No. 418, An act relating to the tenure of office of the Adjutant General.

Having considered the same, reported the same without amendment and recommended its passage.

The report was accepted, recommendation of the committee adopted and the bill ordered to a third reading this afternoon at two o'clock.

Senator O'Malley, for the Committee on State House and State House Yard, to whom was referred Senate Joint Resolution No. 2, Joint resolution for the purchase of a topographic relief map.

Having considered the same, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and recommendation of the committee adopted.

Senator Noel, for the Committee on Claims, to whom was referred,

Senate Joint Resolution No. 8, Joint resolution in favor of Charles Hashim.

House Joint Resolution No. 20, Joint resolution in favor of Gordon F. Harris of Warner.

Having considered the same, reported the same without amendment and recommended their passage.

The reports were accepted, recommendations of the committee adopted and the joint resolutions referred to the Committee on Finance under the rules.

Senator Noel, for the Committee on Claims, to whom was referred,

House Joint Resolution No. 71, Joint resolution in favor of Ernest Moore.

Having considered the same, reported the same with the following amendment and recommended that the joint resolution as amended ought to pass.

Amend said resolution by striking out the words and figures "two hundred dollars (\$200)" and inserting in place thereof the words and figures, three hundred and fifty dollars (\$350), so that said resolution as amended shall read as follows:

That the sum of three hundred and fifty dollars (\$350) be and hereby is appropriated to Ernest Moore of Rye for damage to his motor vehicle and personal injuries, said expenses being the result of an accident caused by a cave-in on the Ocean Boulevard in the town of Rye, February 27, 1939. The sum hereby appropriated shall be a charge upon the highway funds.

The report was accepted, amendment adopted and the bill referred to the Committee on Finance under the rules.

### Concurrent Resolution

On motion of Senator Brouillette the following concurrent resolution was adopted.

Concurrent resolution relating to the granite industry of the State of New Hampshire.

*Whereas*, The granite industry in the State of New Hampshire exploits one of the few natural resources of the State and contributes to the support and welfare of a substantial number of citizens of the State, and

*Whereas*, Conditions of labor in certain granite centers located outside of the State of New Hampshire are distinctly lower and less satisfactory than those prevailing in this state, and

*Whereas*, Certain granite centers outside of the state have and are making unfair competitive use of price advantages arising from depressed working conditions therein,

*Now Therefore, Be It Resolved, by the Senate and House of Representatives in General Court convened:*

1. That it is the sense of this Legislature that the use of New Hampshire granite in construction work and otherwise should be encouraged and promoted in every reasonable way.

2. That wherever possible the use of granite cut and quarried under as fair and equitable labor conditions as those generally prevailing in the industry throughout this state should be required wherever granite is used in the course of public building within this state.

3. That the imposition of artificial restrictions on and discriminations against granite quarried or cut within the State of New Hampshire by political groups or other organizations outside the state is to be condemned and is contrary to sound policy and the principles of fair trade.

On motion of Senator Estabrook the following resolution was adopted:

*Resolved,* That when the Senate adjourns today it adjourn out of respect to the memory of former Senator Adin S. Little of Hampstead, and the Clerk be instructed to forward a copy of today's Journal to the family.

On motion of Senator Spaulding, the following resolution was adopted:

*Resolved,* That when the Senate adjourns this morning it adjourn to meet Saturday morning at ten o'clock, and when it adjourns Saturday morning it adjourn to meet Tuesday morning at eleven o'clock.

### **Bill Engrossed**

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled bill:

Senate Bill No. 30, An act relative to the qualifications for applicants for examinations for the practice of medicine and the practice of chiropractic.

ALBERT C. LAZURE,  
*For the Committee.*

On motion of Senator Bond, the rules were suspended, and all business in order for this afternoon at two o'clock, was made in order at the present time.

### Third Readings

The following entitled bills were read a third time and passed.

House Bill No. 418, An act relating to the tenure of office of the Adjutant General.

House Bill No. 419, An act validating the proceedings of the recessed town meeting in the Town of Milford.

House Bill No. 421, An act granting authority to sell land in Londonderry by the Governor and Council.

On motion of Senator James the Senate adjourned.

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### SATURDAY, MAY 20, 1939.

The Senate met according to adjournment.

The President presiding.

There being manifestly no quorum present, the President declared the Senate adjourned.

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### TUESDAY, MAY 23, 1939.

The Senate met according to adjournment.

### House Message

The following message was received from the House of Representatives by its Clerk:



*Mr. President:*

The House of Representatives has passed the following entitled bills and joint resolution, in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 117, An act relating to the diseases of domestic animals.

House Bill No. 386, An act relating to sirens on motor vehicles.

House Bill No. 417, An act relative to exceptions to the motor vehicle financial responsibility act.

House Joint Resolution No. 73, Joint resolution providing special emergency appropriations for forest fire protection.

### **Read and Referred**

The following entitled bills and joint resolution sent up from the House of Representatives were read a first and second time and referred,

To the Committee on Agriculture,

House Bill No. 117, An act relating to the diseases of domestic animals.

To the Committee on Revision of Laws,

House Bill No. 386, An act relating to sirens on motor vehicles.

House Bill No. 417, An act relative to exceptions to the motor vehicle financial responsibility act.

To the Committee on Finance,

House Joint Resolution No. 73, Joint resolution providing special emergency appropriations for forest fire protection.

### **Committee Reports**

Senator O'Malley, for the Committee on Finance, to whom were referred House Bill No. 20, An act creating a retirement system for firemen.

House Joint Resolution No. 23, Joint resolution relative to the repair of the John Stark House in Manchester.

Having considered the same, reported the same without amendment and recommended their passage.

The reports were accepted, recommendations of the committee adopted and the bill and joint resolution ordered to a third reading this afternoon at two o'clock.

Senator Dale, for the Committee on Education, to whom was referred House Bill No. 342, An act to provide for additional facilities for handicapped children.

Having considered the same, reported the same without amendment and recommended its passage.

The report was accepted, recommendation of the committee adopted and the bill ordered to a third reading this afternoon at two o'clock.

Senator Lazure, for the Committee on Engrossed Bills, to whom was referred House Bill No. 418, An act relating to the tenure of office of the adjutant general.

Having considered the same, reported the same under Joint Rule No. 6, with the following amendment and recommended that the bill as amended ought to pass.

Amend said bill by inserting after section 2 the following new section:

3. *Takes Effect.* Subject to the provisions of section 2 hereof this act shall take effect upon its passage.

The report was accepted, amendment adopted and the bill sent to the House of Representatives for concurrence in the Senate amendment.

Senature Lazure, for the Committee on Engrossed Bills, to whom was referred Senate Bill No. 59, An act relating to fishing in Ledge pond in Madison.

Having considered the same, reported the same under Joint Rule No. 6, with the following amend-

ments and recommended that the bill as amended ought to pass.

Amend the title of said bill by inserting at the end thereof the words, and Big Brook and Big Brook Bog in Pittsburg.

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1. *Bait and Fly Fishing.* Amend paragraph I, section 2, chapter 155, Laws of 1935, as inserted by chapter 144, Laws of 1937, and as amended by chapter 170, Laws of 1937, and chapter 116, Laws of 1939, by inserting after the word "Sandwich" the words, Ledge pond in Madison, so that said paragraph as amended shall read as follows: I. Back lake in Pittsburg, Ferrin pond in Weare, Gustin pond in Marlow, Halls ponds in Sandwich, Little Diamond pond in Stewarts-town, Lily pond in Gilford.

Amend section 2 of said bill by striking out the same and inserting in place thereof the following:

2. *Fly Fishing.* Amend paragraph XI, section 1, chapter 155, Laws of 1935, as inserted by chapter 145, Laws of 1937, and as amended by chapter 84, Laws of 1939, by striking out the words "and its tributaries between Big Brook Bog and" inserting in place thereof the words, Big Brook Bog and their tributaries all north of, so that said paragraph as amended shall read as follows: XI. Brook trout not less than ten inches in length may be taken from May first to October first from Big Brook, Big Brook Bog and their tributaries all north of the highway leading from the First to the Second Connecticut lake, provided that no person may take from said waters more than five in number nor more than five pounds in weight when taken, in one day, except that if he has taken less than five

in number or five pounds in weight he shall be entitled to take one additional fish.

The report was accepted, amendments adopted and the bill sent to the House of Representatives for concurrence in the Senate amendment.

### Bills Engrossed

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled bills and joint resolutions:

Senate Bill No. 57, An act relative to the use of number plates on motor vehicles.

House Bill No. 219, An act closing certain waters in the towns of Cambridge and Errol to fishing.

House Bill No. 374, An act relative to employees of the fish and game department.

House Bill No. 411, An act validating certain proceedings of the town meeting of the town of Lyndeborough.

Senate Joint Resolution No. 7, Joint resolution in appreciation of the work of school safety patrols.

House Joint Resolution No. 62, Joint resolution making appropriation for the state prison farm.

ALBERT C. LAZURE,  
*For the Committee.*

### Resolution

On motion of Senator Weston, the following resolution was adopted.

*Whereas*, Tuesday, May 30, being Memorial Day and a legal holiday, it is desirable that members of this Senate participate in the observance, thereof, in their respective communities; and

*Whereas*, It is desirable that the business of the Legislature be forwarded as rapidly as possible, therefore:

*Be It Resolved*, That action be taken providing that the Senate be not in session on Tuesday, May 30, but shall be in session on Wednesday, Thursday and Friday, May 31, June 1 and June 2.

On motion of Senator Lazure, the rules were suspended and all business in order for this afternoon at two o'clock was made in order at the present time.

### Third Readings

The following entitled bills and joint resolution were read a third time and passed.

House Joint Resolution No. 23, Joint resolution relative to the repair of the John Stark House in Manchester.

House Bill No. 342, An act to provide additional facilities for handicapped children.

House Bill No. 20, An act creating a retirement system for firemen.

On motion of Senator Marcoux the Senate adjourned.

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WEDNESDAY, MAY 24, 1939.

The Senate met according to adjournment.

### Leave of Absence

Senator Finley was granted leave of absence for the day on account of illness.

### House Message

The following message was received from the House of Representatives by its Clerk:

*Mr. President:*

The House of Representatives has passed the following entitled bills in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 300, An act to make uniform the law with reference to trust receipts and pledges of personal property unaccompanied by possession in the pledgee.

House Bill No. 398, An act to eliminate the direct state tax on real property by means of a tax on tobacco products.

The message further stated that the House of Representatives refused to concur with the Honorable Senate in the passage of the following entitled bill sent down from the Honorable Senate:

Senate Bill No. 1, An act authorizing joint control by sureties.

The message further stated that the House of Representatives has voted to concur with the Honorable Senate in the passage of the following entitled bill and joint resolution, sent down from the Honorable Senate:

Senate Bill No. 46, An act changing the names of Keene and Plymouth Normal Schools.

Senate Joint Resolution No. 3, Joint resolution concerning a national patriotic revival plan.

The message further stated that the House of Representatives concurs with the Honorable Senate in the passage of the following entitled bills, with amendments, in the passage of which amendments the House of Representatives asks the concurrence of the Honorable Senate:

Senate Bill No. 37, An act relative to the registration fees for motor vehicle tractors and tractors used for agricultural purposes only.

Amend said bill by striking out the title and inserting in its place the following:

An act relative to the registration fees for motor vehicle tractors and tractors used for agricultural purposes only.



Further amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *Agricultural Vehicles.* Amend paragraph III of section 1, chapter 102, Public Laws, as amended by chapter 94, laws of 1927, chapter 45, laws of 1935 and chapter 48, laws of 1939, by striking out the same and inserting in place thereof the following: III. For each motor vehicle or tractor, including trailers and semi-trailers equipped with pneumatic tires, except motor cycles and motor cycle sidecars, and except as provided in paragraph III-a, the following rates based on the gross weight of the vehicle and load; All vehicles and load not exceeding four thousand pounds thirty-five cents per hundred pounds; exceeding four thousand pounds and not exceeding six thousand pounds, forty-five cents per hundred pounds; exceeding six thousand pounds and not exceeding eight thousand pounds, fifty cents per hundred pounds; exceeding eight thousand pounds, sixty cents per hundred pounds. For all vehicles equipped with hard rubber tires the sum of twenty cents per hundred pounds shall be added to the above rates. For all vehicles equipped with iron, steel or other hard tires the sum of forty cents per hundred pounds shall be added to the above rates; provided that the minimum fee as provided herein shall be ten dollars for passenger vehicles and fifteen dollars for trucks. Well drilling machines on motor vehicle truck chassis and truck shovels on motor vehicle truck chassis shall pay one third of the above rates. Cement mixers, saw rigs and air compressors towed by motor vehicles shall pay one tenth of the above rates except when towed exclusively within the limits of a single city or town, in which case no fees for registration shall be collected.

2. *Tractors, Trucks and Commercial Vehicles Used for Agricultural Purposes Only.* Amend section 1 of chapter 102 of the Public Laws, by inserting after paragraph III, as hereinbefore amended the following new paragraph: III-a. For each tractor used for agricultural purposes only, each vehicle of the tractor type used for agricultural purposes only and used to draw another vehicle in such a way that a part of the load is carried on such towing vehicle, each tractor used for power purposes only that does not haul loads on the public highways, except as hereinbefore provided for tractor type vehicles, each tractor or truck used only on snow and each snowmobile, two dollars. Each commercial vehicle or truck used for agricultural purposes only and used on the public highways within a radius of five miles from the main entrance of the farm upon which said vehicle is operated, two dollars, provided that said vehicle under such limited registration shall not be used for the purpose of transporting produce or goods for sale or for hire.

3. *Takes Effect.* This act shall take effect upon its passage.

On motion of Senator Estabrook the Senate voted to concur in the amendment sent up from the House of Representatives.

### Read and Referred

The following entitled bills sent up from the House of Representatives were read a first and second time and referred,

To the Committee on Judiciary.

House Bill No. 300, An act to make uniform the law with reference to trust receipts and pledges of personal property unaccompanied by possession in the pledgee.

To the Committee on Ways and Means.

House Bill No. 398, An act to eliminate the direct state tax on real property by means of a tax on tobacco products.

### Committee Reports

Senator O'Malley, for the Committee on Finance, to whom was referred House Bill No. 390, An act to provide a bond issue for the eradication of bovine tuberculosis and Bang's disease.

Having considered the same, reported the same without amendment and recommended its passage.

The report was accepted, recommendation of the committee adopted and the bill ordered to a third reading this afternoon at two o'clock.

### Majority and Minority Report

A majority of the Committee on Finance, to whom was referred Senate Bill No. 64, An act establishing the state development and publicity department.

Having considered the same, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

CHARLES F. BUTLER,  
CURTIS H. PAGE,  
HAROLD G. FAIRBANKS,

*For a Majority of the Committee.*

A minority of the Committee on Finance, to whom was referred Senate Bill No. 64, An act establishing the state development and publicity department.

Having considered the same, reported the same without amendment and recommended its passage.

LESTER E. MITCHELL,  
THOMAS B. O'MALLEY,

*For a Minority of the Committee.*

The report of the majority was accepted.

Senator Mitchell moved that the report of the minority, ought to pass, be substituted for that of the majority, inexpedient to legislate.

(Discussion ensued)

Senator Mitchell requested a division.

Twelve Senators having voted in the affirmative and ten Senators having voted in the negative, the affirmative prevailed and the motion to substitute prevailed and the bill was ordered to a third reading this afternoon at two o'clock.

Senator Lazure, for the Committee on Judiciary, to whom were referred House Bill No. 402, An act relative to the sewer system in the town of Wolfeboro.

Senate Bill No. 68, An act to authorize the sale of property in Durham, New Hampshire for the benefit of the University of New Hampshire.

Senate Bill No. 67, An act relating to trustees of Tilton school.

Having considered the same, reported the same without amendment and recommended their passage.

The reports were accepted, recommendations of the committee adopted and the bills ordered to a third reading this afternoon at two o'clock.

Senator Lazure, for the Committee on Judiciary, to whom was referred House Bill No. 358, An act creating a state aeronautics commission.

Having considered the same, reported the same with the following amendment and recommended that the bill as amended ought to pass.

Amend House Bill No. 358, by striking out the entire content thereof and substituting therefor the following:

An act relating to the development of aeronautical facilities.

### General Provisions

1. *Name of Act.* This act shall be known and may be cited as the New Hampshire Aeronautics Act of 1939.

2. *Declaration of Purpose.* It is hereby declared that the purpose of this act is to further the public interest by:

(a) The encouragement and development of an air transportation system properly adapted to the present and future needs of the state by the establishment, construction and maintenance of air navigation facilities to meet these needs.

(b) The encouragement and development of civil aeronautics.

3. *Definitions.* As used in this act, unless the context otherwise requires:

I. "Aeronautics" means the science and art of flight.

II. "Air navigation facility" means any facility used in, available for use in, or designed for use in, aid of air navigation, including landing areas, lights, any apparatus or equipment for disseminating weather information, for signaling, for radio-directional finding, or for radio or other electrical communication, and any other structure or mechanism having a similar purpose for guiding or controlling flight in the air or the landing and take-off of aircraft.

III. "Airport" means a landing area providing certain specified facilities and services for use in connection with air transportation.

IV. "Director" means the New Hampshire director of aeronautics authorized by this act.

V. "Landing Area" means and locality, either of land or water, including airports and intermediate landing fields which is used, or intended to be used, for the landing and take-off of aircraft, whether or not facilities are provided for the shelter, servicing, or repair of aircraft, or for receiving or discharging passengers or cargo.

### Director of Aeronautics

4. *Appointment.* There is hereby created the office of director of aeronautics. Said director shall be appointed by the governor with the advice and consent of the council, and shall serve for an indefinite term, at the pleasure of the governor and council.

5. *Compensation.* The director shall receive such compensation as the governor and council may determine, and shall be reimbursed for all traveling and other expenses incurred by him in the discharge of his official duties.

6. *Duties.* The director, immediately after appointment shall prepare and present to the governor and council a comprehensive, state-wide program for the development, construction, and maintenance of air navigation facilities, with preliminary plans and estimates of cost, and the recommended apportionment of these costs between the state and local municipalities. The director shall, with the approval of the governor and council, execute all matters pertaining to the promotion and development of aeronautics in the state. The director shall exercise general supervision, control and direction, on behalf of the state, over all matters pertaining to the location, construction and maintenance of all air navigation facilities, now or hereafter built or maintained, either in whole or in part, with money appropriated from



the state treasury. He may recommend to the governor and council that the state acquire land, easements and rights of way for the establishment of air navigation facilities.

### State Airways System

7. *Establishment Authorized.* The director, with the approval of the governor and council, shall establish a state airways system, consisting of landing areas (both land and water), airport and airway marking and lighting, and other aids to air navigation, adequate for air transportation service to the entire state. The system shall be supplementary to the federal airways system and such parts of it as are provided and maintained by federal agencies within the state. The system may include all air navigation facilities maintained for public use, whether publicly or privately owned, under such terms and conditions as meet the approval of the commission.

8. *Public Ownership.* The state is hereby authorized to acquire, construct, maintain, and operate, any air navigation facility, and may do so jointly with the United States, other states, or with any governmental unit of the state.

9. *Suits Affecting.* The construction, maintenance and operation of air navigation facilities is hereby declared a public governmental function, and no action or suit shall be brought or maintained against the state, or any county or town thereof, or its officers, agents, servants, or employees, in or about the construction, maintenance, operation, superintendence, or management of any air navigation facility.

10. *Acceptance of Federal Aid.* The state and the towns are hereby authorized to accept funds from the United States for the construction and maintenance

of air navigation facilities. The director is hereby authorized to act for the state and towns with representatives of the federal government, in all matters pertaining to acceptance of such federal aid.

11. *Use of Air Navigation Facilities.* There shall be no exclusive right for the use of any landing area or air navigation facility upon which state or federal funds have been expended. Provided, that the state acquiring air navigation facilities under the provisions of this act, is authorized to contract for or lease to any person the use of the facilities, and may establish reasonable rent or fees therefor.

12. *Appropriation.* For the purpose of this act, there is hereby appropriated the sum of five thousand dollars annually and the governor is hereby authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

13. *Savings Clause.* In case any phrase or provision hereof shall be declared unconstitutional, the remaining provisions shall not by reason thereof be invalid and the remainder of the act and its application shall not be affected thereby.

14. *Takes Effect.* This act shall take effect upon its passage.

On motion of Senator Estabrook, further reading of the amendment was dispensed with, the amendment was adopted and the bill referred to the Committee on Finance under the rules.

### Majority and Minority Report

A majority of the Committee on Judiciary, to whom was referred House Bill No. 389, An act consenting to the acquisition of land by the United States for flood control and navigation purposes.

Having considered the same, reported the same without amendment and recommended its passage.

ALBERT C. LAZURE,  
WILLIAM M. COLE,  
DENIS F. MAHONEY,  
OLIVER H. MUNROE,

*For a Majority of the Committee.*

A minority of the Committee on Judiciary, to whom was referred House Bill No. 389, An act consenting to the acquisition of land by the United States for flood control and navigation purposes.

Having considered the same, reported the same with the following amendment and recommended that the bill as amended ought to pass.

Amend House Bill 389 as amended by striking out the words "and Navigation Purposes" in the title and placing a period after the word "Control" so that the title as amended shall read:

An act consenting to the acquisition of land by the United States for flood control.

Amend House Bill 389 as amended by striking out the words "the benefit of navigation and" in lines 21 and 22 of Section 1, sub-section E, so that said section 1, sub-section E as amended shall read "Authorized by Congress for the control of destructive flood waters in the Connecticut river and Merrimack river basins; provided, however, that this state shall retain concurrent jurisdiction with the United States in and over any such lands to the extent that all civil and criminal processes issued under authority of this state may be executed thereon in the same way and manner as if this consent had not been given, and that exclusive jurisdiction shall revert to and revest in this state whenever such lands or interests in land shall cease to be the property of the United States; pro-

vided further, however, a suitable plan of every tract of land or interest in land so acquired has been or shall be filed in the office of the Secretary of State within one year after the acquisition.

WILLIAM WESTON,  
FRANK J. BRYANT,  
RALPH ESTABROOK,

*For a Minority of the Committee.*

The report of the majority was accepted.

Senator Weston moved that the report of the minority, ought to pass with amendment, be substituted for that of the majority, ought to pass.

(Discussion ensued)

Senator Weston requested a division.

Senator Dale demanded a roll call.

The question being stated,

Shall the report of the minority be substituted for that of the majority?

The Clerk proceeded to call the roll.

The following named Senators voted in the affirmative: Senators Smart, Bryant, Page, Spaulding, Weston, Avery, Chesley and Estabrook.

The following named Senators voted in the negative: Senators Lazure, Mitchell, Munroe, Fairbanks, Butler, James, Noel, Bond, Mahoney, O'Malley, Brouillette, Marcoux, Cole and Dale.

Eight Senators having voted in the affirmative and fourteen in the negative, the negative prevailed and the motion to substitute was lost.

The recommendation of a majority of the committee was adopted and the bill ordered to a third reading this afternoon at two o'clock.

Senator Avery, for the Committee on Revision of Laws, to whom were referred House Bill No. 425, An

act validating proceedings of the annual meeting of the Conway Village Fire District.

House Bill No. 347, An act exempting the members of the National Guard from the provisions of the act relative to financial responsibility in motor vehicle accidents.

Having considered the same, reported the same without amendment and recommended their passage.

The reports were accepted, recommendations of the committee adopted and the bills ordered to a third reading this afternoon at two o'clock.

Senator Noel, for the Committee on Public Health, to whom was referred House Bill No. 308, An act providing for reports to be made concerning children with impaired hearing.

Having considered the same, reported the same with the following amendment and recommended that the bill as amended ought to pass.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *Children Suffering Deafness or Impairment of Hearing.* Amend chapter 128 of the Public Laws by inserting after section 15, as inserted by section 2, chapter 58, Laws of 1937, the following new sections: 16. *Reports Required.* Any parent, guardian, attendant or school physician, nurse or teacher of any child, under sixteen years of age, who, for a period of six months or more, has evidenced an impairment of his hearing shall report the fact in writing to the secretary of the state board of health, giving the name, sex, age and residence of such child and any other information relative thereto as the secretary may require. 17. *Rules and Regulations.* The state board of health is hereby authorized to make such rules and regulations as may be necessary or desirable relative to the reports required by section 16. 18. *Informa-*

*tion as to Schools.* The state board of education shall co-operate with the state board of health in furnishing to parents or guardians of such children information as to the location of schools for the deaf or the nearest public school having special classes for instruction for the hard of hearing.

2. *Takes Effect.* This act shall take effect upon its passage.

The report was accepted, amendment adopted and the bill ordered to a third reading this afternoon at two o'clock.

Senator Fairbanks, for the Committee on Forestry, to whom was referred,

House Bill No. 406, An act relative to the reconveyance of certain property in the town of Boscawen.

Having considered the same, reported the same without amendment and recommended its passage.

The report was accepted, recommendation of the committee adopted and the bill ordered to a third reading this afternoon at two o'clock.

Senator James, for the Committee on Public Improvements, to whom was referred House Bill No. 414, An act relating to the boundary lines of highways.

Having considered the same, reported the same without amendment and recommended its passage.

The report was accepted, recommendation of the committee adopted and the bill ordered to a third reading this afternoon at two o'clock.

### **Bills Engrossed**

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled bill and joint resolution:

House Bill No. 421, An act granting authority to sell land in Londonderry by the governor and council.



House Joint Resolution No. 23, Joint resolution relative to the repair of the John Stark House in Manchester.

ALBERT C. LAZURE,  
*For the Committee.*

On motion of Senator Smart, the rules were suspended and all business in order for this afternoon at two o'clock, was made in order at the present time.

### Third Readings

The following entitled bills were read a third time and passed.

Senate Bill No. 64, An act establishing the state development and publicity department.

Senate Bill No. 68, An act to authorize the sale of property in Durham, New Hampshire for the benefit of the University of New Hampshire.

Senate Bill No. 67, An act relating to trustees of Tilton School.

House Bill No. 308, An act providing for reports to be made concerning children with impaired hearing.

House Bill No. 347, An act exempting the members of the National Guard from the provisions of the act relative to financial responsibility in motor vehicle accidents.

House Bill No. 389, An act consenting to the acquisition of land by the United States for flood control and navigation purposes.

House Bill No. 390, An act to provide a bond issue for the eradication of bovine tuberculosis and Bang's disease.

House Bill No. 402, An act relative to the sewer system in the town of Wolfeboro.

House Bill No. 406, An act relative to the reconveyance of certain property in the Town of Boscawen.

House Bill No. 414, An act relating to the boundary lines of highways.

House Bill No. 425, An act validating proceedings of the annual meeting of the Conway Village Fire Precinct.

On motion of Senator Noel the Senate adjourned.

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### THURSDAY, MAY 25, 1939.

The Senate met according to adjournment.

#### Leaves of Absence

Senator Finley was granted leave of absence for the day on account of illness.

Senator Cole was granted leave of absence for the day on account of important business.

#### House Message

The following message was received from the House of Representatives by its Clerk:

*Mr. President:*

The House of Representatives has passed the following entitled bills in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 193, An act relating to taking fish.

House Bill No. 424, An act relating to banking.

The message further stated that the House of Representatives has voted to concur with the Honorable Senate in its adoption of the amendments offered by the Committee on Engrossed Bills to the following entitled bills:

Senate Bill No. 59, An act relating to fishing in Ledge pond in Madison.

House Bill No. 418, An act relating to the tenure of office of the Adjutant General.

### Read and Referred

The following entitled bills sent up from the House of Representatives were read a first and second time and referred,

To the Committee on Fisheries and Game,  
House Bill No. 193, An act relating to taking fish.  
To the Committee on Banks,  
House Bill No. 424, An act relating to banking.

### Committee Reports

Senator Avery, for the Committee on Revision of Laws, to whom was referred,

House Bill No. 417, An act relative to the exceptions to the motor vehicle financial responsibility act.

Having considered the same, reported the same with the following amendment and recommended that the bill as amended ought to pass.

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1. *Motor Vehicle, Financial Responsibility.* Amend chapter 161 of the Laws of 1937 by inserting after section 26 the following new section: 26-a. *Municipal Fire Departments.* The provisions of this act shall not apply to a permanent, call or volunteer fireman of a municipal fire department while on official duty operating a motor vehicle owned by the state or said fire department and shall not apply to said motor vehicle while so operated.

The report was accepted, amendment adopted and the bill as amended ordered to a third reading this afternoon at two o'clock.

Senator Lazure, for the Committee on Banks, to whom was referred,

House Bill No. 348, An act relating to investments of savings banks.

House Bill No. 62, An act relating to trust companies and other financial institutions.

Having considered the same, reported the same without amendment and recommended their passage.

The reports were accepted, recommendations of the committee adopted and the bills ordered to a third reading this afternoon at two o'clock.

Senator Lazure, for the Committee on Agriculture, to whom was referred,

House Bill No. 423, An act relating to persons who purchase or receive milk within the state for distribution without the state.

Having considered the same, reported the same without amendment and recommended its passage.

The report was accepted, recommendation of the committee adopted and the bill ordered to a third reading this afternoon at two o'clock.

Senator Noel, for the Committee on Claims, to whom were referred,

House Joint Resolution No. 13, Joint resolution in favor of James F. Donahue and George C. Hamlin.

House Joint Resolution No. 17, Joint resolution in favor of Everett Hunnewell.

House Joint Resolution No. 76, Joint resolution in favor of Joseph Caron.

Having considered the same, reported the same without amendment and recommended their passage.

The reports were accepted, recommendations of the committee adopted and the joint resolution referred to the Committee on Finance under the rules.

Senator Noel, for the Committee on Claims, to whom was referred,

House Joint Resolution No. 67, (new draft), Joint resolution in favor of Clyde Hudson and others.

Having considered the same, reported the same with the following amendment and recommended that the joint resolution as amended ought to pass.

Amend the last sentence of said resolution by striking out the same and inserting in place thereof the following:

The sums hereby appropriated shall be in full settlement of said claims and shall be a charge upon the highway funds.

The report was accepted, amendment adopted and the joint resolution as amended referred to the Committee on Finance under the rules.

Senator Lazure, for the Committee on Engrossed Bills, to whom was referred,

House Bill No. 419, An act validating the proceedings of the recessed town meeting in the town of Milford.

Having considered the same, reported the same under Joint Rule No. 6 with the following amendment and recommended that the bill as amended ought to pass.

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1. *Proceedings Legalized.* The votes and proceedings of the recessed town meeting held in the town of Milford, April 25, 1939, and the appropriation of forty thousand dollars for improvement of the water system and the proceedings relative to the issuance of notes in that amount for that purpose, are hereby legalized, ratified and confirmed.

The report was accepted, amendment adopted and the bill sent to the House of Representatives for concurrence in the Senate amendment.

### **Bills Engrossed**

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled bills:

House Bill No. 412, An act relative to the powers of the school district of Hampton.

Senate Bill No. 59, An act relating to fishing in Ledge pond in Madison and Big brook and Big brook bog in Pittsburg.

House Bill No. 349, An act relative to the collection of legacy taxes upon certain contingent devises and bequests.

House Bill No. 367, An act relating to parole from the state prison.

House Bill No. 418, An act relating to the tenure of office of the adjutant general.

ALBERT C. LAZURE,  
*For the Committee.*

On motion of Senator Smart the following resolution was adopted:

*Resolved*, That when the Senate adjourns today, it adjourn in honor of the brave men of the United States Navy who this week lost their lives in the submarine disaster off Portsmouth Harbor.

They made the supreme sacrifice for their country, in line of duty, as much as any soldiers or sailors who have died in battle. We honor their memory and extend our earnest sympathy to their families, whom the loss touches most closely.

On motion of Senator Mahoney the Senate voted to have House Bill No. 358, An act creating a state aeronautics commission, reprinted as amended by the Judiciary Committee of the Senate.

On motion of Senator Marcoux the following resolution was adopted:

*Resolved*, That when the Senate adjourns today, it morning it adjourn to meet Saturday morning at ten o'clock and when it adjourns Saturday morning it be to meet Monday morning at ten o'clock, and when it



adjourns Monday morning it adjourn to meet Wednesday morning at eleven o'clock.

On motion of Senator Fairbanks the rules were suspended and all business in order for this afternoon at two o'clock was made in order at the present time.

### Third Readings

The following entitled bills were read a third time and passed.

House Bill No. 62, An act relating to trust companies and other financial institutions.

House Bill No. 348, An act relating to investments of savings banks.

House Bill No. 417, An act relative to the exceptions to the motor vehicle financial responsibility act.

House Bill No. 423, An act relating to persons who purchase or receive milk within the state for distribution without the state.

On motion of Senator Estabrook the Senate adjourned.

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SATURDAY, MAY 27, 1939.

The Senate met according to adjournment.

The President presiding.

There being manifestly no quorum present, the President declared the Senate adjourned.

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MONDAY, MAY 29, 1939.

The Senate met according to adjournment.

The President presiding.

There being manifestly no quorum present, the President declared the Senate adjourned.

WEDNESDAY, MAY 31, 1939.

The Senate met according to adjournment.

### Leave of Absence

Senator Finley was granted leave of absence for the day on account of illness.

### House Message

The following message was received from the House of Representatives by its Clerk:

*Mr. President:*

The House of Representatives has passed the following entitled bills and joint resolutions in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 64, An act providing for the remodeling of the old main building at the State Industrial School.

House Bill No. 149, An act providing for improvements at the Laconia State School.

House Bill No. 236, An act providing for improvements at the state sanatorium.

House Bill No. 393, An act providing for the reconstruction of a toll bridge at Hampton Harbor.

House Joint Resolution No. 63, Joint resolution making an appropriation for the construction and equipment of a piggery at the state prison.

House Joint Resolution No. 75, Joint resolution in favor of the town of Hooksett.

House Joint Resolution No. 61, Joint resolution in favor of Fred D. Parsons.

The message further stated that the House of Representatives has rescinded its vote whereby it concurred in the amendment to House Joint Resolution No. 26, Joint resolution for a memorial work com-

memorating the sesquicentennial of the Federal Constitution sent down from the Honorable Senate.

The House of Representatives has refused to concur with the Honorable Senate in House Joint Resolution No. 26, and asks for a Committee of Conference.

The Speaker has appointed on the part of the House as such members Messrs. Boynton of Hillsboro, Hayes of Dover and Sanderson of Pittsfield.

On motion of Senator Avery, the Senate voted to accede to the request of the House for a Committee of Conference.

Pursuant to the above request the President appointed as members on the part of the Senate Senators Avery and Estabrook.

### Read and Referred

The following entitled bills and joint resolutions sent up from the House of Representatives were read a first and second time and referred,

To the Committee on State Prison and Industrial School,

House Bill No. 64, An act providing for the remodeling of the old main building at the State Industrial School.

House Joint Resolution No. 63, Joint resolution making an appropriation for the construction and equipping of a piggery at the state prison.

To the Committee on State Hospital and Laconia State School,

House Bill No. 149, An act providing for improvements at the Laconia State School.

To the Committee on Finance,

House Bill No. 236, An act providing for improvements at the State Sanatorium.

To the Committee on Coastwise Improvements,

House Bill No. 393, An act providing for the reconstruction of a toll bridge at Hampton Harbor.

To the Committee on Claims,

House Joint Resolution No. 61, Joint resolution in favor of Fred D. Parsons.

House Joint Resolution No. 75, Joint resolution in favor of the town of Hooksett.

### Committee Reports

Senator Lazure, for the Committee on Judiciary, to whom were referred,

House Bill No. 401, An act relating to temporary vacancies in the office of town treasurer and treasurer of school districts.

House Bill No. 253, An act relating to clerk hire in the probate office of Strafford county.

Having considered the same, reported the same without amendment and recommended their passage.

The reports were accepted, recommendations of the committee adopted and the bills ordered to a third reading this afternoon at two o'clock.

Senator Avery, for the Committee on Revision of Laws, to whom was referred,

House Bill No. 386, An act relating to sirens on motor vehicles.

Having considered the same, reported the same without amendment and recommended its passage.

The report was accepted, recommendation of the committee adopted and the bill ordered to a third reading this afternoon at two o'clock.

Senator Avery, for the Committee on Revision of Laws, to whom was referred,

Senate Bill No. 65, An act to incorporate a board of trustees for the town of Lancaster under the will of Francis L. Town.

Having considered the same, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and recommendation of the committee adopted.

### Majority and Minority Report

A majority of the Committee on Labor, to whom was referred,

House Bill No. 407, An act relative to hours of labor for laundry establishments,

Having considered the same, reported the same without amendment and recommended its passage.

FRANK J. BRYANT,  
MARQUIS O. SPAULDING,  
HARRY P. SMART,

*For a Majority of the Committee.*

A minority of the Committee on Labor, to whom was referred,

House Bill No. 407, An act relative to hours of labor for laundry establishments,

Having considered the same, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

HORACE J. BROUILLETTE,  
*For a Minority of the Committee.*

The report of the majority was accepted.

Senator Brouillette moved that the report of the minority, inexpedient to legislate, be substituted for that of the majority, ought to pass.

(Discussion ensued)

Senator Brouillette requested a division.

Four Senators having voted in the affirmative and fifteen Senators having voted in the negative, the negative prevailed and the motion to substitute was lost.

On a *viva voce* vote the recommendation of the majority of the committee was adopted and the bill was ordered to a third reading this afternoon at two o'clock.

Senator O'Malley for the Committee on Finance, to whom was referred,

House Joint Resolution No. 71, Joint resolution in favor of Ernest Moore,

Having considered the same, reported the same with the following amendment, and recommended that the joint resolution as amended ought to pass.

Amend the last sentence of said resolution by striking out the same and inserting in place thereof the following:

The sums hereby appropriated shall be in full settlement of said claims and shall be a charge upon the highway funds.

The report was accepted, amendment adopted and the bill as amended ordered to a third reading this afternoon at two o'clock.

Senator Avery, for the Committee on Finance, to whom was referred,

House Joint Resolution No. 20, Joint resolution in favor of Gordon F. Harris of Warner,

Having considered the same, reported the same without amendment and recommended that the joint resolution ought to pass.

The report was accepted, recommendation of the committee adopted, and the bill ordered to a third reading this afternoon at two o'clock.

Senator Lazure, for the Committee on Engrossed Bills, to whom was referred Senate Bill No. 37, An act relative to the registration fees for motor vehicle



tractors and tractors used for agricultural purposes only,

Having considered the same, reported the same, under Joint Rule No. 6, with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of said bill by inserting after the figure "1939" in the third line the words and figures, section 5, chapter 132, Laws of 1939, and further amend said section by striking out the word "and" in said third line.

Further amend said section 1 by inserting at the end thereof the following:

In the registration of any tractor to be used in combination with a semi-trailer, the gross weight shall include the weight of such tractor, the weight of the heaviest semi-trailer to be used therewith, the weight of the maximum load to be carried thereby, and separate registration certificates and plates shall be provided for the tractor and the semi-trailer. For the registration of each additional or extra semi-trailer the fee shall be twenty-five dollars.

The report was accepted, amendment adopted, and the bill as amended sent to the House of Representatives for concurrence in the Senate amendment.

Senator Lazure, for the Committee on Engrossed Bills, to whom was referred House Bill No. 348, An act relating to investments of savings banks,

Having considered the same, reported the same under Joint Rule No. 6, with the following amendment and recommended that the bill as amended ought to pass.

Amend section 1 of said bill by striking out the first five lines and inserting in place thereof the following:

1. *Investments of Savings Banks.* Amend paragraph I-a of section 3, chapter 262, Public Laws, as

inserted by section 1, chapter 32, Laws of 1935, and as amended by section 11, chapter 103, Laws of 1937, by striking out all of said paragraph and inserting in place thereof the following: I-a. Loans Insured by the.

The report was accepted, amendment adopted and the bill as amended sent to the House of Representatives for concurrence in the Senate amendment.

Senator Lazure, for the Committee on Engrossed Bills, to whom was referred House Bill No. 342, An act to provide for additional facilities for handicapped children,

Having considered the same, reported the same under Joint Rule No. 6, with the following amendment and recommended that the bill as amended ought to pass.

Amend paragraph numbered 45 by inserting before the word "instruction" where it occurs in the third and sixth lines the word, such.

Amend the paragraph numbered 47-a by striking out the word "chapter" and inserting in place thereof the word, subdivision.

The report was accepted, amendments adopted and the bill as amended sent to the House of Representatives for concurrence in the Senate amendment.

Senator Lazure, for the Committee on Engrossed Bills, to whom was referred House Bill No. 390, An act to provide a bond issue for the eradication of bovine tuberculosis and Bangs disease.

Having considered the same, reported the same under Joint Rule No. 6, with the following amendment and recommended that the bill as amended ought to pass.

Amend section 2 of said bill by striking out the words "approval of" in the seventh line and inserting in place thereof the words, consent to. Further

amend said section by inserting before the word "notes" in the fifteenth line the words, bonds and. Further amend said section by striking out the word, "herein" in the last line of said section and inserting in place thereof the words, by section 4 hereof.

Amend section 4 of said bill by inserting before the word "notes" in the second line the words, bonds and.

The report was accepted, amendments adopted and the bill as amended sent to the House of Representatives for concurrence in the Senate amendment.

Senator Lazure, for the Committee on Engrossed Bills, to whom was referred House Bill No. 20, An act creating a retirement system for firemen,

Having considered the same, reported the same under Joint Rule No. 6, with the following amendment and recommended that the bill as amended ought to pass.

Amend paragraph II of section 9 of said bill by striking out the words "permanent firemen or call firemen" and inserting in place thereof the words, such persons as may be entitled thereto.

Amend section 10 of said bill by striking out the word "must" in the twelfth line and inserting in place thereof the word, shall.

Amend section 11 of said bill by striking out the words "his annual salary at the date of" and inserting in place thereof the words, the annual salary received by him during the year preceding. Further amend said section by inserting after the word "dismissal" in the sixth line the words, as determined by the board.

Amend section 13 of said bill by inserting after the word "until" in the fourteenth line the words, in case of a widow, she dies or remarries, or,

Amend section 15 of said bill by striking out the words "by permanent or call firemen" in the second and third lines.

The report was accepted, amendments adopted and the bill as amended sent to the House of Representatives for concurrence in the Senate amendment.

### Bills Engrossed

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled bills and joint resolution:

Senate Bill No. 46, An act changing the names of Keene and Plymouth Normal schools.

House Bill No. 347, An act exempting the members of the National Guard from the provisions of the act relative to financial responsibility, in motor vehicle accidents.

House Bill No. 389, An act consenting to the acquisition of land by the United States for flood control and navigation purposes.

House Bill No. 402, An act relative to the sewer system in the town of Wolfeboro.

House Bill No. 406, An act relative to the reconveyance of certain property in the town of Boscawen.

House Bill No. 414, An act relating to the boundary lines of highways.

House Bill No. 423, An act relating to persons who purchase or receive milk within the state for distribution without the state.

Senate Joint Resolution No. 3, Joint resolution concerning a national patriotic revival plan.

ALBERT C. LAZURE,  
*For the Committee.*

### Introduction of Bills

Senator Mahoney, for the Committee on Rules, introduced the following entitled bills which were read a first and second time, laid upon the table to be printed and referred,

To the Committee on Revision of Laws,  
Senate Bill No. 69, An act authorizing the sale of  
certain property of the State.

To the Committee on Judiciary,  
Senate Bill No. 70, An act relating to the trial of  
capital cases.

To the Committee on Fisheries and Game,  
Senate Bill No. 71, An act relative to conservation  
officers of the fish and game department.

On motion of Senator Spaulding, the rules were sus-  
pended and all business in order for this afternoon at  
two o'clock was made in order at the present time.

### Third Readings

The following entitled bills and joint resolutions  
were read a third time and passed.

House Bill No. 253, An act relating to clerk hire in  
the Probate Office of Strafford County.

House Bill No. 386, An act relating to sirens on  
motor vehicles.

House Bill No. 401, An act relating to temporary  
vacancies in the office of town treasurer and treasurer  
of school districts.

House Bill No. 407, An act relative to hours of labor  
for laundry establishments.

House Joint Resolution No. 20, Joint resolution in  
favor of Gordon F. Harris of Warner.

House Joint Resolution No. 71, Joint resolution in  
favor of Ernest Moore.

On motion of Senator Marcoux the Senate  
adjourned.

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THURSDAY, JUNE 1, 1939

The Senate met according to adjournment.

### Leaves of Absence

Senator Finley was granted leave of absence for the day on account of illness.

Senator Dale was granted leave of absence for the day on account of important business.

### House Message

The following message was received from the House of Representatives by its Clerk:

*Mr. President:*

The House of Representatives has passed the following entitled bills and joint resolutions in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 392, An act authorizing agricultural co-operative associations to generate, transmit, and distribute electric energy and to conduct other services in connection therewith.

House Bill No. 395, An act relative to the adoption of minors.

House Joint Resolution No. 74, Joint resolution in favor of William Kaskonas.

House Joint Resolution No. 24, Joint resolution in favor of H. W. Hillier of Lancaster.

House Joint Resolution No. 28, Joint resolution in favor of Harry S. Taylor.

House Joint Resolution No. 77, Joint resolution in favor of Emma S. McGirr.

The message further stated that the House of Representatives has voted to concur with the Honorable Senate in its amendments to the following entitled bills:

House Bill No. 417, An act relative to the exceptions to the motor vehicle financial responsibility act.

House Bill No. 308, An act providing for reports to be made concerning children with impaired hearing.



The message further stated that the House of Representatives has voted to concur with the Honorable Senate in its adoption of the amendments offered by the Committee on Engrossed Bills to the following entitled bills:

House Bill No. 419, An act validating the proceedings of the recessed town meeting in the town of Milford.

House Bill No. 20, An act creating a retirement system for fireman.

The message further stated that the House of Representatives concurs with the Honorable Senate in the passage of the following entitled bill, with amendment, in the passage of which amendment the House of Representatives asks the concurrence of the Honorable Senate:

Senate Bill No. 61, An act relative to the use of highways by bicycle riders and others.

Amend section 3 by striking out the word "ten" in line twenty and inserting in place thereof the word, five, so that said section as amended shall read as follows:

3. *Penalty.* Amend said chapter 90 by inserting after section 18 the following new section: 18-a. *Penalty.* Any person violating the provisions of section 17-b, or any ordinance, by-law or regulation made by a city or town under the provisions of section 18 shall be fined not more than five dollars.

On motion of Senator Mahoney the Senate voted to concur in the amendment sent up by the House of Representatives.

The message further stated that the House of Representatives has voted to adopt the amendment offered by the Committee on Engrossed Bills, to the following senate joint resolution in the adoption of which amendment the House of Representatives asks the concurrence of the Honorable Senate:

Senate Joint Resolution No. 5, Joint resolution for securing and holding in New Hampshire the 1942 International Ski Federation World Championship.

Amend said resolution by striking out all after the resolving clause and inserting in place thereof the following:

That the governor, with the advice and consent of the council, appoint an advisory committee to consider the advisability and possibility of securing for and holding in New Hampshire the 1942 International Ski Federation World Championship and to work with the National Ski Association of America for that purpose. The sum of three hundred dollars is hereby appropriated for the purposes hereof and the governor is hereby authorized to draw his warrants for said sum out of any money in the treasury not otherwise appropriated.

On motion of Senator Lazure the Senate voted to concur in the amendment sent up by the House of Representatives.

### **Read and Referred**

The following entitled bills and joint resolutions sent up from the House of Representatives were read a first and second time and referred,

To the Committee on Claims,

House Joint Resolution No. 24, Joint resolution in favor of H. W. Hillier of Lancaster.

House Joint Resolution No. 28, Joint resolution in favor of Harry S. Taylor.

House Joint Resolution No. 74, Joint resolution in favor of William Kaskonas.

House Joint Resolution No. 77, Joint resolution in favor of Emma S. McGirr.

To the Committee on Judiciary,

House Bill No. 392, An act authorizing agricultural co-operative associations to generate, transmit, and

distribute electric energy and to conduct other services in connection therewith.

House Bill No. 395, An act relative to the adoption of minors.

### Committee Reports

Senator Lazure, for the Committee on Banks, to whom was referred,

House Bill No. 424, An act relating to banking.

Having considered the same, reported the same without amendment and recommended its passage.

The report was accepted, recommendation of the committee adopted and the bill ordered to a third reading this afternoon at two o'clock.

Senator Marcoux, for the Committee on State Hospital and Laconia State School, to whom was referred,

House Bill No. 373, An act relating to commitment to the State Hospital.

Having considered the same, reported the same with the following amendment and recommended that the bill as amended ought to pass.

Amend said bill by striking out section 1 and inserting in place thereof the following:

1. *Commitment of Insane Persons.* Amend section 18 of chapter 11 of the Public Laws by inserting after the word "mayor" in the sixth line the words, or city clerk, or a justice of the municipal court of a city, and by inserting after the word "town" in said sixth line the words, of the town clerk, so that said section as amended shall read as follows: 18. *Physicians' Certificates.* No person shall be committed to the state hospital, except as otherwise specially provided, without the certificate of two reputable physicians that such person is insane, given after a personal examination made within one week of the committal. Such certificate shall be accompanied by a certificate

of a judge of the superior or probate court, mayor, or city clerk, or a justice of the municipal court of a city, or one of the selectmen of a town, or the town clerk, certifying to the genuineness of the signatures and the respectability of the signers. The physicians making such examination shall be legally registered to practice medicine in this state, and in the actual practice of their profession at the time of said examination and for at least three years prior thereto. They shall act jointly in making such examination, and their certificate shall bear the date thereof. Neither of said physicians shall be a relative of the person alleged to be insane, or an official of the institution to which it is proposed to commit him. The certificate of insanity shall be in the form prescribed by the commission of lunacy and shall contain the facts and circumstances upon which the judgment of the physicians is based.

Further amend said bill by adding after section 1 the following new section:

2. *Takes Effect.* This act shall take effect upon its passage.

The report was accepted, amendment adopted and the bill ordered to a third reading this afternoon at two o'clock.

Senator O'Malley, for the Committee on State House and State House Yard, to whom was referred,

House Bill No. 356, An act relating to the State House, State House Annex, State Library, Hannah Dustin Monument, Franklin Pierce Homestead and the Daniel Webster Birthplace.

Having considered the same, reported the same with the following amendment and recommended that the bill as amended ought to pass.

Amend the title of the bill by striking out the words "Franklin Pierce Homestead and the Daniel Webster

Birthplace"; so that said title as amended shall read as follows:

An act relating to the State House, State House Annex, State Library, Hannah Dustin Monument.

Amend section 1 of said bill as follows: Amend section 1 of the new chapter by striking out the words "Franklin Pierce Homestead, Daniel Webster birthplace"; so that said section as amended shall read:

1. *Custodians.* The governor and council shall be the custodians of the state house, state house annex, state library, Hannah Dustin monument, and grounds connected with each.

Amend section 5 of the new chapter by striking out the words "Franklin Pierce homestead, Daniel Webster birthplace"; so that said section as amended shall read:

5. *Duties.* Said superintendent shall have charge of all matters relating to the care, maintenance and repair of the state house, state house annex, state library, Hannah Dustin monument, and the grounds connected with each.

Amend section 6 of the new chapter by adding at the end thereof the words: The superintendent with the approval of the governor and council may designate any employee of his department to act as assistant superintendent; so that said section as amended shall read as follows:

6. *Assistants.* Said superintendent shall appoint such assistants as he may require, specify their work and fix their compensation. The superintendent with the approval of the governor and council may designate any employee of his department to act as assistant superintendent.

Amend section 14 of the new chapter by striking out the words "Franklin Pierce homestead, Daniel

Webster birthplace"; so that said section as amended shall read:

14. *Portraits, etc.* No portraits, busts, statues or other things of a memorial nature shall be placed in the state house, state house annex, or on said grounds without the express consent of the governor and council. The governor and council shall locate and provide for the care of all flags, portraits, busts, monuments, etc., which now are, or may hereafter be, placed in the State House, state house annex, or on the grounds connected therewith or at the Hannah Dustin Monument.

Amend section 16 of the new chapter by striking out the words "Franklin Pierce homestead, Daniel Webster birthplace"; so that said section as amended shall read as follows:

16. *Penalties.* If any person shall do any act to injure or deface the state house, state house annex, state library, Hannah Dustin Monument, or grounds connected with each, shall use them for any other purpose than that for which they are intended, or shall violate any of the rules and regulations established by the superintendent under the authority hereof, he shall be fined not more than twenty dollars.

The report was accepted, amendment adopted and the bill as amended referred to the Committee on Finance under the rules.

### **Bills Engrossed**

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled bills and joint resolution:

House Bill No. 20, An act creating a retirement system for firemen.

House Bill No. 253, An act relating to clerk hire in the probate office of Strafford county.



House Bill No. 308, An act providing for reports to be made concerning children with impaired hearing.

House Bill No. 386, An act relating to sirens on motor vehicles.

House Bill No. 401, An act relating to temporary vacancies in the office of town treasurer and treasurer of school districts.

House Bill No. 417, An act relative to exceptions to the motor vehicle financial responsibility act.

House Bill No. 419, An act validating the proceedings of the recessed town meeting in the town of Milford.

House Joint Resolution No. 20, Joint resolution in favor of Gordon F. Harris of Warner.

ALBERT C. LAZURE,  
*For the Committee.*

On motion of Senator Munroe, the rules were suspended, and all business in order for this afternoon at two o'clock was made in order at the present time.

### Third Readings

The following entitled bills were read a third time and passed.

House Bill No. 373, An act relating to commitment to the State Hospital.

House Bill No. 424, An act relating to banking.

On motion of Senator Bond the Senate adjourned.

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FRIDAY, JUNE 2, 1939.

The Senate met according to adjournment.

### Leaves of Absence

Senator Finley was granted leave of absence for the day on account of illness.

Senators Bryant, Noel, Marcoux, Cole and Avery were granted leaves of absence for the day on account of important business.

### House Message

The following message was received from the House of Representatives by its Clerk:

*Mr. President:*

The House of Representatives has passed the following entitled bill in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 429, An act relating to forest fires.

The message further stated that the House of Representatives has voted to concur with the Honorable Senate in its amendments to the following entitled joint resolution:

House Joint Resolution No. 71, Joint resolution in favor of Ernest Moore.

The message further stated that the House of Representatives concurs with the Honorable Senate in the passage of the following entitled bill, with amendments, in the passage of which amendments the House of Representatives asks the concurrence of the Honorable Senate:

Senate Bill No. 49, An act relating to Oliverian brook in Benton and Warren and Three Pond brook in Rumney.

Amend said bill by inserting after section 2 the following new section:

3. *Fly Fishing Only.* Amend chapter 201 of the Public Laws, as inserted by section 5, chapter 124, Laws of 1935, by inserting after section 1-a, as inserted by section 5, chapter 96, Laws of 1937, the following new section: 1-b. *Fly Fishing Only.* In all waters named in section 1-a and in section 1 of

chapter 155, Laws of 1935, as inserted by chapter 145, Laws of 1937, and as amended by the Laws of 1939, where brook trout may be taken by artificial flies only no fish of any kind may be taken except by the use of artificial flies during the open season therefor.

Further amend said bill by renumbering section 3 to read section 4.

On motion of Senator Mitchell the Senate voted to concur in the amendments sent up from the House of Representatives.

The message further stated that the House of Representatives has voted to concur with the Honorable Senate in its adoption of the amendments offered by the Committee on Engrossed Bills to the following entitled bills:

Senate Bill No. 37, An act relative to minimum fee for agricultural purposes only.

House Bill No. 342, An act to provide additional facilities for handicapped children.

House Bill No. 384, An act relating to investments of savings banks.

House Bill No. 390, An act to provide a bond issue for the eradication of bovine tuberculosis and Bang's disease.

### Read and Referred

The following entitled bill sent up from the House of Representatives was read a first and second time and referred,

To the Committee on Revision of Laws,

House Bill No. 429, An act relating to forest fires.

On motion of Senator Dale, the rules were suspended, printing and reference to committee dispensed with, and the foregoing entitled bill was read a third time and passed.

### Committee Reports

Senator Avery, for the Committee on Revision of Laws, to whom was referred,

Senate Bill No. 69, An act authorizing the sale of certain property of the State.

Having considered the same, reported the same without amendment and recommended its passage.

The report was accepted, recommendation of the committee adopted and the bill ordered to a third meeting this afternoon at two o'clock.

Senator Munroe, for the Committee on Fisheries and Game, to whom were referred,

House Bill No. 416, An act to protect the golden and bald eagle.

House Bill No. 375, An act relating to Federal aid for wild life restoration projects.

House Bill No. 193, An act relative to taking fish.

Having considered the same, reported the same without amendment and recommended their passage.

The reports were accepted, recommendations of the committee adopted and the bills ordered to a third reading this afternoon at two o'clock.

### Committee of Conference Report

The Committee of Conference, to whom was referred House Bill No. 203, An act relating to the taking of raccoon, reported the same with the recommendation that the Senate recede from its position in adopting its amendment and that the House recede from its position of non-concurrence and that the following amendment be adopted:

Amend section 1 of said bill by striking out said section and inserting in place thereof the following:

1. *Method of Taking.* Amend section 3, chapter 200, Public Laws, as inserted by section 4, chapter 124,

Laws of 1935, and as amended by chapter 132, Laws of 1937, by striking out said section and inserting in place thereof the following: 3. *Raccoons*. Raccoons may be taken and possessed with the aid of and by the use of a dog and gun from October first to December first. No person shall take more than three raccoons from twelve noon of one day to twelve noon of the following day, nor more than ten raccoons in one season. No person shall hunt raccoons at night by the use of a rifle, revolver or pistol larger than twenty-two calibre long rifle or by the use of shotgun shells carrying shot larger than number four and no person shall hunt raccoons at night by the use of any light except a kerosene lantern, a gasoline lantern or a flashlight with seven cells or less.

OLIVER H. MUNROE,  
A. RALPH ESTABROOK,

*Conferees on the Part of the Senate.*

HARVEY H. CONVERSE,  
WILLIAM F. ROWDEN,  
JOHN P. DEMPSEY,

*Conferees on the Part of the House.*

On motion of Senator Munroe the Senate voted to adopt the report of the Committee of Conference.

### **Introduction of Committee Report**

On motion of Senator Weston the rules were suspended to introduce a committee report not previously advertised in the Journal.

Senator Lazure, for the Committee on Judiciary, to whom was referred,

Senate Bill No. 70, An act relating to the trial of capital cases.

Having considered the same, reported the same without amendment and recommended its passage.

The report was accepted, recommendation of the committee adopted and the bill ordered to a third reading this afternoon at two o'clock.

### **Bills Engrossed**

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled bills and joint resolutions:

House Bill No. 342, An act to provide educational facilities for handicapped children.

Senate Bill No. 37, An act relative to the registration fees for motor vehicle tractors and tractors used for agricultural purposes only.

House Bill No. 348, An act relating to investments of savings banks.

House Bill No. 390, An act to provide a bond issue for the eradication of bovine tuberculosis and Bang's disease.

Senate Joint Resolution No. 5, Joint resolution for securing and holding in New Hampshire the 1942 Ski Federation World Championships.

House Joint Resolution No. 71, Joint resolution in favor of Ernest Moore.

OLIVER MUNROE,  
*For the Committee.*

### **Resolution**

On motion of Senator Estabrook the following resolution was adopted:

*Resolved*, That when the Senate adjourns this morning it adjourn to meet Saturday morning at ten o'clock, and when it adjourns Saturday morning it adjourn to meet Tuesday morning at eleven o'clock.



### Order Vacated

On motion of Senator Bond, the order whereby House Bill No. 149, An act providing for improvements at the Laconia State School, was referred to the Committee on State Hospital and Laconia State School was vacated and the bill was referred to a joint committee on State Hospital and Laconia State School and Finance.

On motion of Senator Page, the rules were suspended, and all business in order for this afternoon at two o'clock was made in order at the present time.

### Third Readings

The following entitled bills were read a third time and passed.

Senate Bill No. 69, An act authorizing the sale of certain property of the state.

Senate Bill No. 70, An act relating to the trial of capital cases.

House Bill No. 193, An act relative to taking fish.

House Bill No. 416, An act to protect the golden and bald eagle.

House Bill No. 375, An act relating to Federal aid for wild life restoration projects.

On motion of Senator Fairbanks the Senate adjourned.

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SATURDAY, JUNE 3, 1939.

The Senate met according to adjournment.

The President presiding.

There being manifestly no quorum present, the President declared the Senate adjourned.

TUESDAY, JUNE 6, 1939.

The Senate met according to adjournment.

### Leave of Absence

Senator Finley was granted leave of absence for the day on account of illness.

### House Message

The following message was received from the House of Representatives by its Clerk:

*Mr. President:*

The House of Representatives has passed the following entitled bills in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 376, An act providing for improvements at Rye Harbor.

The message further stated that the House of Representatives refused to concur with the Honorable Senate in its amendments to the following entitled bill:

House Bill No. 356, An act relating to the state house, state house annex, state library, and the Hannah Dustin monument, and asked that a Committee of Conference be appointed. The Speaker has appointed on such a committee on the part of the House Messrs. Boynton of Hillsborough, Officer of Claremont and Osborn of Sunapee.

On motion of Senator Cole the Senate voted to accede to the request of the House of Representatives for a Committee of Conference.

The message further stated that the House of Representatives has voted to concur with the Honorable Senate in the passage of the following entitled bills sent down from the Honorable Senate:

Senate Bill No. 67, An act relating to trustees of Tilton school.

Senate Bill No. 68, An act to authorize the sale of property in Durham, New Hampshire, for the benefit of the University of New Hampshire.

The message further stated that the House of Representatives has voted to concur with the Honorable Senate in its amendments to the following entitled bill:

House Bill No. 373, An act relating to commitment to the state hospital.

The message further stated that the House of Representatives has voted to adopt the report of the Committee of Conference on House Bill No. 203, An act relating to the taking of raccoon.

### **Read and Referred**

The following entitled bill sent up from the House of Representatives was read a first and second time, and referred to the Committee on Finance.

House Bill No. 376, An act providing for improvements at Rye Harbor.

### **Order Vacated**

On motion of Senator James the order whereby House Bill No. 64, An act providing for the remodeling of the old main building at the State Industrial school, and House Joint Resolution No. 63, Joint resolution making an appropriation for the construction and equipment of a piggery at the State Prison, were referred to the Committee on State Prison and Industrial School was vacated and the foregoing entitled House bill and joint resolution were referred to a Joint Committee consisting of State Prison and Industrial School and Finance.

### Majority and Minority Report

A majority of the Committee on Ways and Means, to whom was referred House Bill No. 398, An act to eliminate the direct state tax on real property by means of a tax on tobacco products,

Having considered the same, reported the same without amendment and recommended its passage.

CURTIS H. PAGE,  
T. JEWETT CHESLEY,  
FRANK J. BRYANT,  
HARRY P. SMART,  
CHARLES M. DALE,  
ALDAGE NOEL,

*For a Majority of the Committee.*

A minority of the Committee on Ways and Means, to whom was referred House Bill No. 398, An act to eliminate the direct state tax on real property by means of a tax on tobacco products,

Having considered the same, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

EDMOND J. MARCOUX,

*For a Minority of the Committee.*

The report of the majority was accepted.

Senator Marcoux moved that the report of the minority, inexpedient to legislate, be substituted for that of the majority, ought to pass.

(Discussion ensued)

### The Following Speech Was Made by Senator Fairbanks In Opposition to the Motion

*Mr. President and Fellow Senators.* Before we take a vote on this question of eliminating the direct

state tax, I feel that it is my duty as a member of this Honorable Senate to voice my opposition to this bill. I feel that it is also my duty to point out a few of the evils in the bill which is before us for consideration and which to my own mind I cannot conscientiously subscribe to. I have analyzed this question and have spent considerable time and effort in studying its merits, and also have considered it from all angles. I have attended hearings in both the House and the Senate and have come to a definite conclusion that I can not agree with the proponents. I also wish to add that I am acting wholly on my own responsibility and further am representing the large majority of my constituents. I wish to declare publicly on the floor of this Senate that no lobbyist has influenced my vote in one way or another. I am under no obligations to any one group. I am following my own convictions, the bill only passed the House by a majority of 36 votes. I only hope that the Senate acts wisely. I am sorry that I must vote against the majority of Representatives in my District but I must follow my own conscience and convictions. That's my duty in this Senate.

Mr. President, it has occurred to me that if this bill has the merits which the proponents claim it has and will accomplish all they say it will, then I would like to receive the information why it was necessary on the floor of the House to plead and urge its passage. I certainly appreciate that there was a strong lobby against the bill and on the other hand there was certainly just as great a lobby for the bill. So far as I am concerned one offsets the other, and therefore it brings me right back again to where I started as to the merits of this bill. I am not convinced that the measure we are considering will in any way accomplish its purpose, I absolutely cannot subscribe or

vote for a bill which in my own opinion and the opinion of a great many others carries the possibility of being unconstitutional and is also questioned by gentlemen in whom I have faith and confidence and I most certainly respect and appreciate their viewpoints. I believe they are sincere and earnest in their desire to send this bill to the court for their decision.

Mr. President, what will be the status of the State providing this bill is found to be unconstitutional? We would be without a direct state tax and it would no doubt be necessary to call a special session of the legislature to provide some other means of taxation in order to balance the budget. This of course would necessitate an added cost to the taxpayers of New Hampshire. Personally, I believe this bill should have been passed along to the court before being introduced into the Legislature. This of course is simply a matter of personal opinion. Members of this Honorable Senate, I have the utmost sympathy for real estate owners and their tax problems and I trust you will pardon me for the following personal remark. I am one of the largest taxpayers in my home town and if this bill passes I would naturally receive quite a substantial reduction in my own tax, depending of course, if there would be any material change in the tax rate, which again is simply a matter of personal opinion. But, gentlemen, I am not considering myself in this matter as I am a great deal more interested in the welfare of the large majority of the citizens of this State, especially the poorer class who in the last analysis pays and pays dear, which they will be doing if this bill passes. The poor consumers who wish a little enjoyment in this life are expected to pay many taxes both hidden and otherwise. A laborer who works every day in the week and has a family desires to take his family for an automobile ride on holidays



and Sundays to enjoy the scenic beauties, to enjoy the streams, lakes, the mountains and the beaches, has to pay a gasoline tax, a tax on the oil, a tax on his car, a tax on his tires, must secure a driver's license, and also must have his car registered, pay insurance, and now, if this bill passes, and if he enjoys smoking, it will be necessary for him to pay another tax. If you are going to penalize a man or woman because they enjoy smoking why not penalize the person who does not smoke and have a tax on ice-cream cones, candy, etc. If these people who do not smoke were taxed on commodities which I have mentioned, then they would be on the same level with the citizens who smoke. I am of course assuming that most people eat candy who do not smoke. The point I am trying to bring out is that tobacco users should not be singled out. I understand from good authority that about 75% of our citizens use tobacco. The other 25% would no doubt benefit to some degree.

Mr. President, in my humble opinion this bill is class legislation, discriminating and otherwise, for the reason that the ability to pay citizens and citizens who do not smoke, according to my reasoning, are the only class who are getting the benefits of any tax reduction. The proponents of this bill are substituting a 3½% tax and advocating a 15% sales tax on one commodity alone, which in my judgment is absolutely unfair, as they are penalizing one kind of product and also are penalizing the 5,000 retail merchants who sell these products. The small individual merchants would not receive any compensation for acting as a tax collector for the state but the large operators of chain stores who have 10 or more stores would get a discount of 5% on stamps. Is this fair to the small merchant? The advocates of this bill have promoted the idea that if this bill passes it is a step in the right

direction, due to the fact that the town, city, and county tax would be eliminated and that county taxes would be on a more equitable and proportionate basis. This argument to some citizens looks sound, but in the last analysis who pays the taxes passed on to the counties, towns and cities? It's the home owner, the factory owner and the corporation owner and may I add right here that the factory and corporation will be getting the greatest benefit from any reduction. The average home owner and the citizen who pays rent will be the loser. It is impossible for me to understand why they think that this is a step in the right direction when you eliminate a tax of a small percentage and try to substitute it with a tax of a larger percentage and still they insist that we are headed in the right direction. The large corporations who are most able to pay under ordinary conditions will naturally receive quite a reduction in taxes and this will be made possible by the fact that the employees who work in these factories and who enjoy smoking will be penalized in order that the manufacturers may reduce their taxes. Is this fair to the employees? Taxes are paid out of income and figured in the cost of goods and passed along to the consumers. Any tax reduction would therefore come out of income of the employees who use tobacco. The employee would pay 15% to help reduce taxes of employer and they call this sound and fair.

Mr. President, I do not wish to convey the idea that I personally have any fault to find with corporations or manufacturers, as some of them are my best friends and I appreciate some of their problems. But did they consider the small retailer at the last Constitutional Convention? I well remember that on the subject of the well known excise tax, which we had under discussion at that time, the manufacturer and corpora-

tion would not subscribe to an excise tax unless they received some benefits and therefore a compromise was arranged so as to give them a special levy on their stock in trade and machinery. The retailers, at least the large majority of them, were not considered and would not have received any special rate. No, sir, they were to pay an excise tax in its entirety.

If this bill passes the mail-order houses will also do a thriving business. Tobacco products would be shipped into this state by the ton. It will be a very easy matter for a small group to have tobacco shipped in at very little expense to each one as far as postage is concerned. I have heard the argument that the citizens of New Hampshire would ultimately get tired of purchasing tobacco products outside of the state and would purchase all their wants here, which, they say, would eliminate bootlegging. Under ordinary circumstances and some other conditions I might agree with this argument, but it has reached a point where the average person is so tax conscious, due to the fact of paying all these extra taxes, that they will do almost anything to get rid of a tobacco tax. Mr. President, there are thousands of people who go to Massachusetts and upon their return fill up their gasoline tanks as they can purchase it cheaper, saving at least one or two cents per gallon. The New Hampshire dealers in gasoline products lose the profit they might make, which would help to pay their taxes, and the State of New Hampshire also loses the tax on gasoline products and is out that revenue. It is only human that this is being done and this might apply on various other products. The same thing would be true as far as Maine is concerned as they repealed their cigarette tax this last session. It is a well-known fact that tobacco merchants up and down the Connecticut valley, just across the river from Vermont, are doing

an increased business due to the tax in Vermont. If we pass this bill for a tax on cigarettes and tobacco in this State, New Hampshire citizens living on the border of Maine and Massachusetts would go across the line and patronize the tobacco merchants in those states and again there would be a great loss of revenue to our merchants and also a loss of revenue to the State.

Now, gentlemen, I want to ask you if it is a fair proposition to add a 2c tax on a package of cigarettes, which is already taxed by the government for 6c. This additional 2c tax would make a package of cigarettes bear a tax of nearly 150%. I absolutely know that this has the disapproval of many thousands of cigarette smokers. Two years ago we were considering a sales tax of 2% and discovered that the state of New Hampshire is not geographically located to have any such tax unless the whole of New England or the United States impose such a sales tax. The opposition was so tremendous that the Ways and Means Committee of which I was a member practically voted unanimously against the provision of that bill and would not even bring it on the floor of the house knowing that it would be overwhelmingly defeated. We spend many thousands of dollars advertising New Hampshire and its advantages, its scenic beauties, its lakes, rivers and mountains, to attract summer residents and tourists. Now we have a bill pending, which, if passed, will carry the headlines, "Come to New Hampshire, Pay a Cigarette and Tobacco Tax." Mr. President, is this the way to attract summer people, upon whom many of our merchants, hotel owners, cabin owners and many other lines of business depend for a livelihood? It would be an entirely different situation if a large population of our state as a whole did not rely on summer tourists

to a great extent for its livelihood, especially due to the fact that we are losing industry. I would also like to impress upon your minds that the farmer, the poultryman and the market gardener depends upon summer tourists for a large percentage of his income. I had an example of this brought home to me this last week-end as I was talking to an owner of cabins who told me that two cars from Massachusetts stayed overnight with him and brought their own cartons of cigarettes and tobacco with them, understanding that we had passed this bill. They told him that the word was being passed around now that anyone going to N. H. for a vacation or even touring N. H., should take along their smoking needs. This is just one example and if carried out by tourists from many states it certainly would hurt our merchants and the state would receive no revenue.

Mr. President, as I understand it the real-estate owner will receive a reduction of approximately two dollars per thousand or less on their taxes, but if the revenue received falls short of \$1,000,000 which no doubt it will, (this is a matter of personal opinion), and after deducting over-head and collecting charges it is very reasonable to assume that the figure may be quite a substantial amount less, so that the ordinary home owner or farmer will get a very small reduction, and providing he or she smokes will pay out for a tobacco tax a sum far in excess of what he or she would save. I very much appreciate the clause in the Republican platform regarding the elimination in so far as possible, the direct state tax, but, Mr. President, were the voters of New Hampshire told that in order to do away with the direct tax it would be necessary to substitute another tax and that in all probability it would be a sales tax?



I attended many rallies and failed to hear this part of the story. I am under the impression that most candidates were opposed to a sales tax. The voters of this state know that unless expenses are cut accordingly that it would be impossible to do away with a direct tax, unless some other medium of taxation was promoted. The citizens paying rent will absolutely get no relief, as I have stated previously, the owner of real estate who rents his property will get such a small reduction that it will be impossible for them to pass it along. Another matter which has just occurred to me and that is that there are thousands of dollars invested in vending machines. What about the merchants who own or rent these machines, will their investment be protected? Absolutely not, as it will be impossible for them to sell cigarettes for more than 15c when they should get 17c and it would be embarrassing for merchants who sell cigarettes over the counter to compete with these machines, therefore it would be impossible for any one to make a profit and it would be a losing business financially.

The proponents of this bill claim a revenue of \$1,000,000. When the subject was first approached a figure on cigarettes was submitted of bearing a revenue of \$500,000 and after it was discovered that a cigarette tax alone could not be levied and that it would be necessary to levy a tax on cigars and tobacco also and that this added revenue would produce about \$200,000. Now all of a sudden the estimate has been boosted to \$1,000,000. Why the sudden jump? I cannot understand and I certainly cannot follow its rapidity. Providing the revenue would be \$1,000,000 it would then be necessary to take \$200,000 from the sinking fund or receive revenue from some other source. If the revenue falls short of \$1,000,000, as I have every reason to believe it will, then we will be in



line for another sales tax and I am opposed to more sales taxes.

Mr. President, I appreciate the fact that the general opinion is that this bill will no doubt pass this Senate. I have discovered that's the way of politics, but I am going to vote against this bill as I do not consider it for the best interest of the large majority of our citizens, as it only affects a very small minority. The human element and the poorer class should be considered, which I think far surpasses the financial savings of a very small minority. We talk and hear a great deal about the American standards of living and ability to pay. I ask you, Mr. President, are we helping the standards of living by continually loading extra taxes on the majority of our citizens who are the least able to pay. The sooner our state can settle down to productive work and cut the cost of our Government by means of economy the sooner we can reduce taxes on a more constructive basis. When, and if, that time ever arrives then will be the time to legislate for a real property reduction so that the burden on real estate can be honestly reduced, but not at the expense of any one class.

Senator Mitchell demanded a roll call.

The Clerk proceeded to call the roll.

The following named Senators voted in the affirmative: Senators Lazure, Fairbanks, Spaulding, Bond, Mahoney, O'Malley and Marcoux.

The following named Senators voted in the negative: Senators Mitchell, Smart, Bryant, Page, Munroe, Butler, Weston, James, Noel, Avery, Brouillette, Chesley, Cole, Estabrook and Dale.

Seven Senators having voted in the affirmative and fifteen in the negative, the negative prevailed, and the motion to substitute was lost.

The question being stated,

Shall the recommendation of a majority of the Committee be adopted?

On a *viva voce* vote the recommendation of a majority of the committee was adopted, and the bill was referred to the Committee on Finance, under the rules.

On motion of Senator Butler the rules were suspended, reference to the Finance Committee dispensed with, and the bill was ordered to a third reading this afternoon at two o'clock.

Senator O'Malley, for the Committee on Finance, to whom was referred House Bill No. 323, An act making appropriations for the expenses of the State of New Hampshire for the year ending June 30, 1940,

Having considered the same, reported the same with the following amendment and recommended that the bill as amended ought to pass.

Amend section 1 of said bill as follows:

In the paragraph for the executive department: strike out the figure "7,000" for council per diem and expenses and insert in place thereof the figure \$6,500; strike out the words "per diem compensation and expenses of the council shall be paid from this fund and no compensation or expenses shall be paid from any other state funds; strike out the figure "5,000" for contingent fund and insert in place thereof the figure \$7,500; strike out the figure "\$40,000" for emergency fund and insert in place thereof the figure \$45,000; and strike out the figure \$70,665" for the total of said department and insert in place thereof the figure \$77,665.

In the paragraph for the department of agriculture: for salaries under the bureau of markets strike out the figure "\$3,025" and insert in place thereof the figure "\$3,187" and change the total for said department from "\$146,547" to \$146,709.

In the paragraph for the comptroller's department: for current expenses strike out the figure "\$2,300" and insert in place thereof the figure, \$2,500; add at the end the following:

Mailing division clerical expenses..	\$3,435
Mailing division current expenses ..	365
	<hr/>
	\$3,800

change the first total for said department from "\$27,112.50" to \$31,112.50, and the second total from "\$34,362.50" to \$38,362.50.

In the paragraph for bureau of labor: clerical expenses for office of commissioner strike out the figure "\$5,025" and insert in place thereof the figure \$5,525; change the total for said office from "\$11,125" to \$11,625; salary of minimum wage division director, strike out the figure "\$2,400" and insert in place thereof the figure \$2,200; change the total for said division from "\$18,500" to \$18,300; change the total for said bureau of labor from "\$55,625" to \$55,925.

In the paragraph for state house department: for other salaries, strike out the figure "\$41,220" and insert in place thereof the figure, \$44,220; for current expenses, strike out the figure "\$44,700" and insert in place thereof the figure, \$46,700; change the total for said department from "\$100,539" to \$105,539.

In the paragraph for weight and measures: for clerical expenses, strike out the figure "\$1,000" and insert in place thereof the figure \$1,500; strike out the word and figure "equipment \$250"; change the total for said department from "\$17,655" to \$17,905.

In the paragraph for industrial school: for current expenses, under custodial care, strike out the figure "\$17,800" and insert in place thereof the figure \$18,620; change the total for custodial care from

"\$38,770" to \$39,590 and change the total for the school from "\$89,985" to \$90,805.

In the paragraph for the state board of education: strike out the words "normal school" where they occur and insert in place thereof the words, teachers' college; strike out the first sentence after the total for said state board of education and insert in place thereof the following: In addition to the above appropriation said department shall receive for Plymouth Teachers' College and for Keene Teachers' College the income of said college dormitories and practice schools and for disbursement the sums paid by school districts for the salaries of superintendents under section 40, chapter 117 of the Public Laws.

In the paragraph for board of health: for control of venereal diseases, current expenses, strike out the figure "\$1,920" and insert in place thereof the figure \$2,680; change the total for said division from "\$8,140" to \$8,900 and the total for said board from "\$86,677" to \$87,437.

For the total for the cancer commission strike out the figure "\$30,000" and insert in place thereof the figure \$32,500.

In the paragraph for public library commission: for books for traveling libraries, strike out the figure "\$2,000" and insert in place thereof the figure \$3,000; change the total for traveling libraries from "\$2,675" to \$3,675; strike out the figure "\$1,265" for field work and insert in place thereof the figure \$2,465; change the total for said commission from "\$15,895" to \$18,095.

In the paragraph for state tax commission; insert the following:

## Tax on Tobacco Products:

Clerical expenses .....	\$14,800
Current expenses .....	14,600
Equipment .....	600
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Total .....	\$30,000

change the total for the state tax commission from "\$39,975" to \$69,975.

In the paragraph for milk control board: for current expenses, strike out the figure "\$4,189" and insert in place thereof the figure \$5,189; change the total for said board from "\$12,000" to \$13,000.

Insert before the appropriation for the fish and game department the following:

For water resources board, current expenses \$20,000.

For Eastern States Exposition building commission \$1,000.

For New Hampshire Shore and Beach Preservation and Development Commission \$2,000.

Further amend said bill by inserting after section 1 the following new section:

2. *Takes Effect.* This act shall take effect July 1, 1939.

The report was accepted.

On motion of Senator Butler, the Senate voted to direct the Clerk to have the amendments printed as recommended by the Finance Committee, and with the adoption of the amendments pending voted that the bill be made a special order for Wednesday, June 7, at 11:01 a. m.

Senator O'Malley, for the Committee on Finance, to whom was referred, House Bill No. 324, An act making appropriations for the expenses of the State of New Hampshire for the year ending June 30, 1941.

Having considered the same, reported the same with the following amendment and recommended that the bill as amended ought to pass.

Amend section 1 of said bill as follows:

In the paragraph for the executive department: for council per diem and expenses, strike out the figure "\$8,000" and insert in place thereof the figure \$7,500; strike out the words "per diem compensation and expenses of the council shall be paid from this fund and no compensation or expenses shall be paid from any other state funds"; for contingent fund, strike out the figure "\$5,000" and insert in place thereof the figure \$7,500; for emergency fund strike out the figure "\$40,000" and insert in place thereof the figure \$45,000; change the total for said department from "\$71,765" to \$78,765.

In the paragraph for the department of agriculture: for salaries under the bureau of markets, strike out the figure "\$3,075" and insert in place thereof the figure \$3,237; change the total for said bureau from "\$3,850" to \$4,012 and the total for the department from "\$145,297" to \$145,459.

In the paragraph for the comptroller's department: for current expenses, strike out the figure "\$2,500" and insert in place thereof the figure \$2,700; add at the end the following:

Mailing division, clerical expenses ..	\$3,535
Mailing division, current expenses ..	365
Mailing division, equipment .....	50

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Total .....	\$3,950
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change the first total for said department from "\$26,337.50" to \$30,487.50, and the second total from "\$33,587.50" to \$37,737.50.



In the paragraph for forestry and recreation department: after the word "reforestation" insert the figure \$1,900.

In the paragraph for the bureau of labor: for clerical expenses in the office of the commissioner, strike out the figure "\$5,100" and insert in place thereof the figure \$5,600; change the first total from "\$11,450" to \$11,950; for salary of director, minimum wage division, strike out the figure "\$2,400" and insert in place thereof the figure, \$2,200; change the total for said division from "\$18,650" to \$18,450; change the total for said department from "\$56,400" to \$56,700.

In the paragraph for the industrial school: for custodial care, current expenses, strike out the figure "\$17,800" and insert in place thereof the figure \$18,620; change the total for custodial care from "\$38,770" to \$39,590, and the total for the school from "\$89,985" to \$90,805.

In the paragraph for the state board of education: strike out the words, "normal school" where they occur and insert in place thereof the words, teachers college; strike out the first sentence after the total for said state board of education and insert in place thereof the following: In addition to the above appropriation said department shall receive for Plymouth Teachers' College and for Keene Teachers' College the income of said college dormitories and practice schools and for disbursement the sums paid by school districts for the salaries of superintendents under section 40, chapter 117, of the Public Laws.

In the paragraph for weight and measures: for clerical expenses strike out the figure "\$1,050" and insert in place thereof the figure \$1,550; strike out the word and figure "equipment \$100"; change the total for said department from "\$17,375" to \$17,775.

In the paragraph for state board of health: for control of venereal diseases, current expenses, strike out the figure "\$1,920" and insert in place thereof the figure \$2,630; change the total from "\$8,190" to \$8,900; change the total for the department from "\$87,292" to \$88,002.

In the paragraph for cancer commission: change the total from \$30,000 to \$32,500.

In the paragraph for public library commission: for books for traveling libraries, strike out the figure \$2,000 and insert in place thereof the \$3,000; change the total from "\$2,675" to \$3,675; for field work strike out the figure "\$1,265" and insert in place thereof the figure \$2,465; change the total for the department from "\$16,295" to \$18,495.

In the paragraph for milk control board: for current expenses, strike out the figure "\$4,089" and insert in place thereof the figure \$5,089; change the total for said department from "\$12,000" to \$13,000.

In the paragraph for state tax commission, insert the following:

Tax on Tobacco Products:

Clerical expenses .....	\$14,800
Current expenses .....	14,600
Equipment .....	600

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Total ..... \$30,000

change the total for the state tax commission from \$39,225 to \$69,225.

Insert after the teachers retirement board the following new items:

For Water Resources Board, current expenses \$20,000.

For Eastern States Exposition Building Commission \$1,000.

For New Hampshire Shore and Beach Preservation and Development Commission \$2,000.

Insert after section 1 the following new section:

2. *Takes Effect.* This act shall take effect July 1, 1940.

The report was accepted.

On motion of Senator Butler, the Senate voted to direct the Clerk to have the amendments printed as recommended by the Finance Committee and with the adoption of the amendments pending voted that the bill be made a special order of Wednesday, June 7, at 11:01 a. m.

Senator O'Malley, for the Committee on Finance, to whom was referred, House Joint Resolution No. 73, Joint resolution providing special emergency appropriations for forest fire protection.

Having considered the same, reported the same with the following amendment and recommended that the joint resolution as amended ought to pass.

Amend said resolution by striking out the figure "\$50,000" and the words "fifty thousand dollars" in the fourth and fifth lines and inserting in place thereof the words and figure, twenty thousand dollars (\$20,000); by striking out the words and figure "fifty thousand dollars (\$50,000)" in the seventh and eighth lines and inserting in place thereof the words and figure eighty thousand dollars (\$80,000); and by inserting the word "needed" in the fifteenth line the words; The additional sum of eight thousand dollars (\$8,000) is hereby appropriated and made available for the period from July 1, 1939, to January 1, 1940, to be expended by the forestry and recreation department, with the approval of the governor and council, for continuing the emergency timber salvage advisory work in the public interest, so that said resolution as amended shall read as follows:

That the sum of one hundred thousand dollars (\$100,000) is hereby appropriated and made available for the period from the date of the passage hereof until June 30, 1941, said sum to be expended by the forestry and recreation department, with the approval of the governor and council, (1) twenty thousand dollars (\$20,000) for the state's portion of expenses of fighting forest and brush fires as provided by sections 23 and 26 of chapter 191 of the Public Laws, as amended by chapter 133, Laws of 1929, and (2) eighty thousand dollars (\$80,000) to provide additional administrative assistance, patrol by the state and in co-operation with the towns and other agencies, services of fire wardens on inspection and other preventive work, fire plans, maps and materials for educational programs, operation and maintenance of extra fire lookout stations and telephone lines, aid to towns in securing adequate tool supplies for fire fighting purposes, state power pumps and hose for use of groups of towns, trucks fully equipped for general emergency calls and such other materials, supplies, equipment and services as may be needed. The additional sum of eight thousand dollars (\$8,000) is hereby appropriated and made available for the period from July 1, 1939, to January 1, 1940, to be expended by the forestry and recreation department, with the approval of the governor and council, for continuing the emergency timber salvage advisory work in the public interest.

The report was accepted, amendment adopted, and the bill as amended ordered to a third reading this afternoon at two o'clock.

Senator O'Malley, for the Committee on Finance, to whom was referred, House Bill No. 198, An act to provide for a revision of the Public Laws,

Having considered the same, reported the same with the recommendation that it be referred to the next Legislature.

The report was accepted, and recommendation of the committee adopted.

### Majority and Minority Report

A majority of the Committee on Liquor Laws, to whom was referred, House Bill No. 267, An act to prohibit liquor advertising in state stores,

Having considered the same, reported the same without amendment and recommended its passage.

WILLIAM WESTON,  
CHARLES BUTLER,  
FRANK BRYANT,

*For a majority of the Committee.*

A minority of the Committee on Liquor Laws, to whom was referred House Bill No. 267, An act to prohibit liquor advertising in state stores,

Having considered the same, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

STANLEY JAMES,  
DENIS F. MAHONEY,

*For a minority of the Committee.*

The report of the majority was accepted.

Senator Brouillette moved that the report of the minority, inexpedient to legislate, be substituted for that of the majority, ought to pass.

(Discussion ensued)

Senator Weston demanded a roll call.

The Clerk proceeded to call the roll.

The following named Senators voted in the affirmative: Senators Lazure, Mitchell, Fairbanks, James, Noel, Bond, Mahoney, O'Malley, Brouillette, Marcoux and Cole and Dale.

The following named Senators voted in the negative: Senators Smart, Bryant, Page, Munroe, Butler, Spaulding, Weston, Avery, Chesley and Estabrook.

Twelve Senators having voted in the affirmative and ten in the negative, the affirmative prevailed, and the motion to substitute was adopted, and the bill was voted inexpedient to legislate.

Senator Noel, for the Committee on Claims, to whom was referred, Senate Joint Resolution No. 4, Joint resolution in favor of Thomas J. Callahan.

Having considered the same, reported the same with the following amendment, and recommended that the joint resolution as amended ought to pass.

Amend said resolution by striking out all after the resolving clause and inserting in place thereof the following:

That the sum of one thousand five hundred and fifty-four dollars and fifty-seven cents (\$1,554.57) be and hereby appropriated as follows: The sum of five hundred dollars (\$500) to be allowed and paid to Thomas J. Callahan to compensate him for injuries suffered by him while working for the state highway department on the repair of the Durham road, so called, in the city of Dover on March 26, 1936; the sum of three hundred and thirty-six dollars and seven cents (\$336.07) be allowed and paid to Elliot Hospital, Manchester; the sum of one hundred and seventy-six dollars and fifty cents (\$176.50) be allowed and paid to the Wentworth Hospital, Dover, and the sum of five hundred and forty-two dollars (\$542) be allowed and paid Dr. E. A. Jones, Manchester, said bills having been contracted for by said Thomas J. Callahan on account of said ac-



cident. The sums hereby appropriated and allowed shall be in addition to the compensation heretofore and hereafter to be allowed said Thomas J. Callahan from the highway department, shall be a charge upon the highway funds, and shall be in full settlement of the above claims.

The report was accepted, amendment adopted and the bill referred to the Committee on Finance under the rules.

### Majority and Minority Report

A majority of the Committee on Finance, to whom was referred, Senate Joint Resolution No. 8, Joint resolution in favor of Charles Hashim,

Having considered the same, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

CHARLES BUTLER,  
HAROLD FAIRBANKS,  
CURTIS H. PAGE,  
THOMAS B. O'MALLEY,

*For a majority of the Committee.*

A minority of the Committee on Claims, to whom was referred Senate Joint Resolution No. 8, Joint resolution in favor of Charles Hashim,

Having considered the same, reported the same without amendment and recommended its passage.

LESTER F. MITCHELL,

*For a minority of the Committee.*

The report of the majority was accepted.

Senator Mitchell moved that the report of the minority, ought to pass, be substituted for that of the majority, inexpedient to legislate.

(Discussion ensued)

Senator Cole requested a division.

Sixteen Senators having voted in the affirmative and six Senators having voted in the negative, the affirmative prevailed and the motion to substitute was adopted, and the joint resolution was ordered to a third reading this afternoon at two o'clock.

### Committee of Conference Report

The Committee of Conference, to whom was referred House Joint Resolution No. 26, Joint resolution for a memorial work commemorating the sesqui-centennial of the federal constitution, reported the same with the recommendation that the Senate recede from its position in adopting its amendments and that the House recede from its position of non-concurrence and that the following amendments be adopted:

Amend said resolution by striking out all after the resolving clause and inserting in place thereof the following:

That the sum of two thousand dollars (\$2,000) be and hereby is appropriated for the compilation and publication of a memorial work commemorating New Hampshire's part in the federal constitution and its sesqui-centennial celebration. Said sum shall be expended under the direction of the governor and council; provided that said publication shall include a reprint of the first one hundred and twenty pages of "History of New Hampshire Convention" by Joseph B. Walker, published in 1888. All copies of the work to be published hereunder shall be sold for such sums as the governor and council shall determine and all receipts from said sale shall be turned into the general funds of the state; provided, however, that one copy of the work shall be sent free of charge by the Secretary of State to each free public library established under the laws of the state of New Hampshire. The governor is hereby authorized to draw his war-

rant for the sum hereby appropriated out of any money in the treasury not otherwise appropriated.

CLARENCE J. AVERY,  
A. RALPH ESTABROOK.

*Conferees on the part of the Senate.*

GEORGE W. BOYNTON,  
CLIFTON R. HAYES,  
ROBERT H. SANDERSON,

*Conferees on the part of the House.*

On a *viva voce* vote the Senate voted to adopt the report of the Committee of Conference.

Senator Lazure, for the Committee on Engrossed Bills, to whom was referred House Bill No. 424, An act relating to banking.

Having considered the same, reported the same under Joint Rule No. 6, with the following amendment and recommended that the bill as amended ought to pass.

Amend section 2 of said bill by striking out the word "therefrom" in the second line.

Amend section 2-a of said bill by striking out the first two words, namely, "city treasurers" and inserting in place thereof the words, The city treasurer.

Amend section 3 of said bill by striking out the word "session" in the third line; further amend said section by striking out the word "the" in the eighth line and inserting in place thereof the word, this.

The report was accepted, amendments adopted and the bill as amended sent to the House of Representatives for concurrence in the Senate amendment.

Senator Lazure, for the Committee on Engrossed Bills, to whom was referred House Bill No. 62, An act relating to trust companies and other financial institutions.

Having considered the same, reported the same under Joint Rule No. 6, with the following amendments and recommended that the bill as amended ought to pass.

Amend section 1 of said bill by striking out the first five lines thereof and inserting in place thereof the following:

1. *Trust Companies; Powers.* Amend section 21, chapter 265, Public Laws, as amended by section 13, chapter 103, Laws of 1937, by striking out all of said section after the word "security" in the thirteenth line and inserting in place

Further amend said section 1 of said bill by striking out the word "the" at the end of the fifteenth line.

Further amend said section 1 of said bill by inserting before the word "fiduciary" the word, any.

The report was accepted, amendments adopted and the bill as amended sent to the House of Representatives for concurrence in the Senate amendment.

On motion of Senator Smart the rules were suspended and all business in order for this afternoon at two o'clock was made in order at the present time.

### Third Readings

The following entitled bill and joint resolutions were read a third time and passed.

Senate Joint Resolution No. 8, Joint resolution in favor of Charles Hashim.

House Joint Resolution No. 73, Joint resolution providing special emergency appropriations for forest fire protection.

House Bill No. 398, An act to eliminate the direct state tax on real property by means of a tax on tobacco products.

On motion of Senator James the Senate adjourned.

WEDNESDAY, JUNE 7, 1939.

The Senate met according to adjournment.

### Leave of Absence

Senator Finley was granted leave of absence for the day on account of illness.

### House Message

The following message was received from the House of Representatives by its Clerk:

*Mr. President:*

The House of Representatives has passed the following entitled bills in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 354, An act in amendment of the charter of the city of Keene.

House Bill No. 428, An act relating to fishing in Ferrin pond in Weare.

House Bill No. 427, An act relating to fly fishing.

House Bill No. 315, An act to provide for additional facilities for the state.

House Bill No. 275 (in new draft), An act relating to workmen's compensation.

The message further stated that the House of Representatives concurs with the Honorable Senate in the passage of the following entitled concurrent resolution, with amendments, in the passage of which amendments the House of Representatives asked the concurrence of the Honorable Senate:

A concurrent resolution relating to the granite industry of the state of New Hampshire.

Amend concurrent resolution by striking out the second and third sentence of the preamble and inserting in place thereof the following:

*Whereas*, conditions of labor in the granite industry in general are at a very low point due to curtailment of granite used in both buildings and all construction, and

*Whereas*, granite is one of the best substantial building material and has always in the past been recognized as such.

Further amend said concurrent resolution by striking out the words "New Hampshire" in the first sentence so that said sentence as amended shall read as follows:

1. That it is the sense of this legislature that the use of granite in construction work and otherwise should be encouraged and promoted in every reasonable way.

On motion of Senator Brouillette the Senate voted to concur in the amendments sent up from the House of Representatives.

The message further stated that the House of Representatives concurs with the Honorable Senate in the passage of the following entitled bills, with amendments, in the passage of which amendments the House of Representatives asked the concurrence of the Honorable Senate:

Senate Bill No. 53, An act relative to Sunday work for employees engaged in the work of communications.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *One Day Rest in Seven.* Amend section 47 of chapter 176 of the Public Laws, as inserted by chapter 130 of the Laws of 1933, by inserting after paragraph VI of section 47 the following new paragraph: VIII. *Employees of telegraph and telephone offices.*



2. *Takes Effect.* This act shall take effect upon its passage.

On motion of Senator Bryant the Senate voted to concur in the amendments sent up from the House of Representatives.

Senate Bill No. 60, An act relating to the manufacture and sale of certain alcoholic beverages.

Amend said bill by striking out section 2 and inserting in place thereof the following:

2. *Manufacturer's Permit.* Amend section 22 of chapter 99 of the laws of 1933 as inserted by chapter 134 of the laws of 1939 by striking out said section and inserting in place thereof the following: 22. *Manufacturer's Fees.* In addition to the fees provided for in section 21 the following additional fees shall be required for permits issued to any manufacturer. For each manufacturer's permit three dollars for every barrel of beverages containing not more than 31 gallons or the equivalent thereof sold by said permittee to retail permittees, during the preceding calendar month, to be paid to the commission on or before the tenth day of the following month. In addition to the foregoing fees, the following additional fees shall be required for permits issued to any manufacturer holding an off-sale permit. For each manufacturer's permit three dollars for every barrel of beverages containing not more than 31 gallons or the equivalent thereof sold by said permittee at retail and not to other permittees for resale, during the preceding calendar month to be paid to the commission on or before the tenth day of the following month. For failure to pay any part of the fees provided for herein when due ten per cent thereof shall be added and collected by the commission from the manufacturer and shall become part of said permit fee.

3. *Takes Effect.* This act shall take effect upon its passage except that section 2 hereof, shall take effect as of July 1, 1939.

On motion of Senator Estabrook the Senate voted to concur in the amendments sent up from the House of Representatives.

The message further stated that the House of Representatives has voted to adopt the report of the Committee of Conference on House Joint Resolution No. 26, Joint resolution for a memorial work commemorating the sesquicentennial of the federal constitution.

### Remarks

President Blood made the following remarks:

I wish to vary a bit the usual program this morning to speak on the question of the end of the session. An analysis was made yesterday of the situation of both the House and the Senate, and it was decided that with no great hardship we should be able to adjourn on the 16th.

The situation at the beginning of the session this morning in the Senate, is that we have 27 bills which have not been acted upon, including those of today, and that we have not more than 5 bills which have not been advertised, and I can see no reason why we cannot end the session on June 16.

The question of ending the session is merely a matter of having something to shoot for and to shoot at it, and most of us know that at the end of the session there are conference committees and bills to pass under suspension of the rules.

There is on the table in the Senate a resolution passed some time ago for adjournment on the 8th, and I wonder what the Senate intends to do at this time about it.

Pursuant to the motion of Senator Cole, relative to a Committee of Conference on House Bill No. 356, An act relating to state house, state house annex, state library and Hannah Dustin monument, the President appointed as members on the part of the Senate Senators Cole and Butler.

### **Taken from Table**

On motion of Senator Butler, the following concurrent resolution was taken from the table:

*Whereas*, It appears that all necessary legislative work may be accomplished by Thursday, June 8, instant, therefore be it

*Resolved*, By the House of Representatives, the Senate concurring, that the present session of the Legislature be brought to final adjournment on Thursday, June 8, instant, at 5 o'clock in the afternoon.

*Be It Further Resolved*, That all reports, bills and joint resolutions, with the exceptions of such as have been referred to the next Legislature, be indefinitely postponed.

On motion of the same Senator the resolution was amended was striking out the words and figures, Thursday, June 8th wherever they appear and substituting therefor Friday, June 16th and sent to the House of Representatives for concurrence in the Senate amendment.

### **Read and Referred**

(Senator Page in Chair)

The following entitled bills sent up from the House of Representatives were read a first and second time and referred,

To the Committee on Fisheries and Game,

House Bill No. 428, An act relating to fishing in Ferrin pond in Weare.

House Bill No. 427, An act relating to fly fishing.

To the Joint Committee on State House Hospital and Finance,

House Bill No. 315, An act to provide for additional facilities for the state.

To the Committee on Judiciary,

House Bill No. 275 (in new draft), An act relating to workmen's compensation.

To the Committee on Revision of Laws,

House Bill No. 354, An act in amendment of the charter of the city of Keene.

### Special Orders

Senator Butler called for the special order, it being the adoption of the amendments recommended by the Committee on Finance on House Bill No. 323, An act making appropriations for the expenditures of the State of New Hampshire for the year ending June 30, 1940.

Amend section 1 of said bill as follows:

In the paragraph for the executive department: strike out the figure "7,000" for council per diem and expenses and insert in place thereof the figure \$6,500; strike out the words "per diem compensation and expenses of the council shall be paid from this fund and no compensation or expenses shall be paid from any other state funds; strike out the figure "5,000" for contingent fund and insert in place thereof the figure \$7,500; strike out the figure "\$40,000" for emergency fund and insert in place thereof the figure \$45,000; and strike out the figure "\$70,665" for the total of said department and insert in place thereof the figure \$77,665.

In the paragraph for the department of agriculture: for salaries under the bureau of markets strike out the figure "\$3,025" and insert in place thereof the

figure \$3,187" and change the total for said department from \$146,547 to \$146,709.

In the paragraph for the comptroller's department: for current expenses strike out the figure "\$2,300" and insert in place thereof the figure, \$2,500; add at the end the following

Mailing division: clerical expenses	\$3,435
current expenses	365
	<hr/>
	\$3,800

change the first total for said department from "\$27,112.50" to \$31,112.50, and the second total from "\$34,362.50" to \$38,362.50.

In the paragraph for bureau of labor: clerical expenses for office of commissioner strike out the figure "\$5,025" and insert in place thereof the figure \$5,525; change the total for said office from "\$11,125" to \$11,625; salary of minimum wage division director, strike out the figure "\$2,400" and insert in place thereof the figure \$2,200; change the total for said division from "\$18,500" to \$18,300; change the total for said bureau of labor from "\$55,625" to \$55,925.

In the paragraph for state house department: for other salaries, strike out the figure "\$41,220" and insert in place thereof the figure, \$44,220; for current expenses, strike out the figure "\$44,700" and insert in place thereof the figure, \$46,700; change the total for said department from \$100,539" to \$105,539.

In the paragraph for weight and measures: for clerical expenses, strike out the figure "\$1,000" and insert in place thereof the figure \$1,500; strike out the word and figure "equipment 250"; change the total for said department from "\$17,655" to \$17,905.

In the paragraph for industrial school: for current expenses, under custodial care, strike out the figure

“\$17,800” and insert in place thereof the figure \$18,620; change the total for custodial care from “\$38,770” to \$39,590 and change the total for the school from “\$89,985” to \$90,805.

In the paragraph for the state board of education: strike out the words “normal school” where they occur and insert in place thereof the words, teachers’ college; strike out the first sentence after the total for said state board of education and insert in place thereof the following: In addition to the above appropriation said department shall receive for Plymouth Teachers’ College and for Keene Teachers’ College the income of said college dormitories and practice schools and for disbursement the sums paid by school districts for the salaries of superintendents under section 40, chapter 117 of the Public Laws.

In the paragraph for board of health: for control of venereal diseases, current expenses, strike out the figure “\$1,920” and insert in place thereof the figure \$2,680; change the total for said division from “\$8,140” to \$8,900 and the total for said board from “\$86,677” to \$87,437.

For the total for the cancer commission strike out the figure “\$30,000” and insert in place thereof the figure \$32,500.

In the paragraph for public library commission: for books for traveling libraries strike out the figure “\$2,000” and insert in place thereof the figure \$3,000; change the total for traveling libraries from “\$2,675” to \$3,675; strike out the figure “\$1,265” for field work and insert in place thereof the figure \$2,465; change the total for said commission from “\$15,895” to \$18,095.

In the paragraph for state tax commission; insert the following:



## Tax on Tobacco Products:

Clerical expenses	\$14,800
Current expenses	14,600
Equipment	600.00

Total	<hr/> \$30,000.00
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change the total for the state tax commission from \$39,975 to \$69,975.

In the paragraph for milk control board: for current expenses, strike out the figure "\$4,169" and insert in place thereof the figure \$5,189; change the total for said board from "\$12,000" to \$13,000.

Insert before the appropriation for the fish and game department the following:

For Resources Board, current expenses	\$20,000
For Eastern States Exposition building commission	\$1,000
For New Hampshire Shore and Beach Preservation and Development Commission	\$2,000

Further amend said bill by inserting after section 1 the following new section:

2. *Takes Effect.* This act shall take effect July 1, 1939.

On a *viva voce* vote the amendments were adopted.

On motion of Senator Smart, the following amendment was adopted.

In the paragraph for department of agriculture: for insect suppression, salaries of clerks and assistants strike out the figure \$7,865 and insert in place thereof the figure \$8,765; change the total for said department, as previously amended by striking out the figure \$146,709 and inserting in place thereof the figure \$147,609.

On motion of Senator Dale, the following amendment was adopted.

Amend paragraph entitled "For Insurance Department" of section 1 of House Bill 323 by striking out the figure "\$8,550.00" after the words "Clerical Expenses" and inserting in place thereof the figure "13,250.00", and striking out the figure "4,000.00" after the words "Current Expenses" and inserting in place thereof the figure "4,855.00", and striking out the figure "21,850.00" after the words "Total Insurance Department" in said paragraph and inserting in place thereof the figure "27,405.00".

The bill as amended was ordered to a third reading this afternoon at two o'clock.

On motion of Senator Butler, the rules were suspended and the bill was put on its third reading and final passage at the present time.

Senator Butler called for the special order, it being the adoption of the amendments recommended by the Committee on Finance on House Bill No. 324, An act making appropriations for the expenditures of the State of New Hampshire for the year ending June 30, 1941.

Amend section 1 of said bill as follows:

In the paragraph for the executive department: for council per diem and expenses, strike out the figure "\$8,000" and insert in place thereof the figure \$7,500; strike out the words "per diem compensation and expenses of the council shall be paid from this fund and no compensation or expenses shall be paid from any other state funds;" for contingent fund, strike out the figure "\$5,000" and insert in place thereof the figure, \$7,500; for emergency fund strike out the figure "\$40,000" and insert in place thereof the figure, \$45,000; change the total for said department from "\$71,765" to \$78,765.

In the paragraph for the department of agriculture: for salaries under the bureau of markets, strike out the figure "\$3,075" and insert in place thereof the

figure \$3,237; change the total for said bureau from "\$3,850" to \$4,012 and the total for the department from "\$145,297" to \$145,459.

In the paragraph for the comptroller's department: for current expenses, strike out the figure "\$2,500" and insert in place thereof the figure \$2,700; add at the end the following:

Mailing division, clerical expenses	\$3,535
current expenses	365
equipment	50
	<hr/>
Total	\$3,950

change the first total for said department from "\$26,337.50" to \$30,487.50, and the second total from "\$33,587.50" to \$37,737.50.

In the paragraph for forestry and recreation department: after the word "reforestation" insert the figure \$1,900.

In the paragraph for the bureau of labor: for clerical expenses in the office of the commissioner, strike out the figure "\$5,100" and insert in place thereof the figure \$5,600; change the first total from "\$11,450" to \$11,950; for salary of director, minimum wage division, strike out the figure "\$2,400" and insert in place thereof the figure, \$2,200; change the total for said division from "\$18,650" to \$18,450; change the total for said department from "\$56,400" to \$56,700.

In the paragraph for the industrial school: for custodial care, current expenses, strike out the figure "\$17,800" and insert in place thereof the figure, \$18,620; change the total for custodial care from "\$38,770" to \$39,590, and the total for the school from "\$89,985" to \$90,805.

In the paragraph for the state board of education: strike out the words, "normal school" where they occur and insert in place thereof the words, teachers' college;

strike out the first sentence after the total for said state board of education and insert in place thereof the following: In addition to the above appropriation said department shall receive for Plymouth Teachers' College and for Keene Teachers' College the income of said college dormitories and practice schools and for disbursement the sums paid by school districts for the salaries of superintendents under section 40, chapter 117, of the Public Laws.

In the paragraph for weight and measures: for clerical expenses strike out the figure "\$1,050" and insert in place thereof the figure \$1,550; strike out the word and figure "equipment \$100"; change the total for said department from "\$17,375" to \$17,775.

In the paragraph for state board of health; for control of venereal diseases, current expenses, strike out the figure "\$1,920" and insert in place thereof the figure \$2,630; change the total from "\$8,190" to \$8,900; change the total for the department from "\$87,292" to \$88,002.

In the paragraph for cancer commission: change the total from \$30,000 to \$32,500.

In the paragraph for public library commission: for books for traveling libraries; strike out the figure \$2,000 and insert in place thereof the figure \$3,000; change the total from "\$2,675" to \$3,675; for field work strike out the figure "\$1,265" and insert in place thereof the figure \$2,465; change the total for the department from "\$16,295" to \$18,495.

In the paragraph for state tax commission: insert the following:

Tax on Tobacco Products:

Clerical expenses	\$14,800	
Current expenses	14,600	
Equipment	600	
	<hr/>	\$30,000

change the total for the state tax commission from \$39,225 to \$69,225.

In the paragraph for milk control board: for current expenses, strike out the figure "\$4,089" and insert in place thereof the figure \$5,089; change the total for said department from "\$12,000" to \$13,000.

Insert after the teachers' retirement board the following new items:

For Water Resources Board, current expenses \$20,000

For Eastern States Exposition building commission \$1,000

For New Hampshire Shore and Beach Preservation and Development Commission \$2,000

Insert after section 1 the following new section:

2. *Takes Effect.* This act shall take effect July 1, 1940.

On a *viva voce* vote the amendments were adopted.

On motion of Senator Smart, the following amendment was adopted.

In the paragraph for department of agriculture: for insect suppression, salaries of clerks and assistants strike out the figure \$7,865 and insert in place thereof the figure \$8,765; change the total for said department as previously amended by striking out the figure \$145,459 and inserting in place thereof the figure \$146,359.

On motion of Senator Dale, the following amendment was adopted.

Amend the paragraph entitled "For Insurance Department" of Section 1 of House Bill 324 by striking out the figure "8,800.00" after the words "Clerical expenses," and inserting in place thereof the figure "13,500.00," and by striking out the figure "4,000.00" after the words "Current expenses" and inserting in place thereof the figure "4,855.00," and by striking out the figure "22,100.00" after the word "Total" in

said paragraph and inserting in place thereof the figure "27,655.00."

The bill as amended was ordered to a third reading this afternoon at two o'clock.

On motion of Senator Butler, the rules were suspended and the bill was read a third time and passed at the present time.

### Introduction of Bills

Senator Weston, for the Committee on Rules, introduced the following entitled bill which was read a first and second time and referred to the Committee on Judiciary.

Senate Bill No. 72, An act relative to the inspection of new motor vehicles and vehicles whose ownership has been transferred.

On motion of Senator Estabrook printing and reference to committee were dispensed with and the foregoing entitled bill was read a third time and passed.

### Reconsideration

Senator Dale moved that the rules be suspended to reconsider the vote whereby the Senate voted to adopt the recommendations of the Committee on Finance on House Bill No. 198, An act to provide for the revision of the public laws.

On motion of the same Senator the bill was recommitted to the Committee on Finance.

### House Message

The following message was received from the House of Representatives by its Clerk:

*Mr. President:*

The House of Representatives has passed the following entitled bill in the passage of which it asks the concurrence of the Honorable Senate:



House Bill No. 434, An act relative to the powers of the fiscal agent of Coos County.

### **Read and Referred**

The following entitled bill sent up from the House of Representatives was read a first and second time and referred to the Committee on Judiciary.

House Bill No. 434, An act relative to the powers of the fiscal agent of Coos County.

On motion of Senator Lazure the rules were suspended, reference to committee dispensed with and the foregoing entitled bill was read a third time and passed.

### **Committee Reports**

Senator Lazure, for the Committee on Agriculture, to whom was referred House Bill No. 117, An act relating to the diseases of domestic animals.

Having considered the same, reported the same without amendment and recommended its passage.

The report was accepted and the bill was referred to the Committee on Finance under the rules.

On motion of Senator Mitchell, the rules were suspended, further reference to committee dispensed with and the bill was ordered to a third reading this afternoon at two o'clock.

Senator Noel, for the Committee on Claims, to whom was referred House Joint Resolution No. 28, Joint resolution in favor of Harry S. Taylor.

Having considered the same, reported the same with the following amendment and recommended that the joint resolution as amended ought to pass.

Amend the joint resolution by adding at the end thereof the words, and it shall be in full settlement of said claim; so that said joint resolution as amended will read:

That the following sums be allowed and appropriated in connection with injuries sustained by Harry S. Taylor of Salisbury, while employed at the State Nursery by the forestry and recreation department, November 30, 1936, said accident being due to the explosion of a blasting cap; Dr. A. A. Beaton, eighty-two dollars (\$82); Dr. James S. Shaw, fifteen dollars (\$15); Dr. R. A. Hernandez of Laconia, ten dollars (\$10); Dr. Greenwood of Boston, ten dollars (\$10); Eye Clinic of Hanover, ten dollars (\$10); traveling expense, twenty-eight dollars and ten cents (\$28.10); and that the sum of seventeen hundred dollars (\$1,700) be allowed said Harry S. Taylor to compensate him for loss of vision of one eye caused by said accident. The governor is hereby authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated and it shall be in full settlement of said claims.

The report was accepted, amendment adopted and the bill referred to the Committee on Finance under the rules.

Senator Noel, for the Committee on Claims, to whom was referred House Joint Resolution No. 61, Joint resolution in favor of Fred D. Parsons.

Having considered the same, reported the same with the following amendment and recommended that the joint resolution as amended ought to pass.

Amend said joint resolution by striking out the word "three" in the first line and inserting in place thereof the word five; and by adding at the end thereof the words, and it shall be in full settlement of said claim; so that said joint resolution as amended will read:

That the sum of five hundred dollars (\$500) be and hereby is allowed Fred D. Parsons of Rye to reimburse him for damages suffered by him of standing

timber, young trees and seedlings by a fire which originated on the adjoining property belonging to the State of New Hampshire. The Governor is hereby authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated, and it shall be in full settlement of said claim.

The report was accepted, amendment adopted, and the bill referred to the Committee on Finance, under the rules.

Senator Noel, for the Committee on Claims, to whom was referred House Joint Resolution No. 75, Joint resolution in favor of the town of Hooksett.

Having considered the same, reported the same with the following amendment and recommended that the joint resolution as amended ought to pass.

Amend said joint resolution by adding at the end thereof the words, and it shall be in full settlement of said claim; so that said joint resolution as amended will read:

That the sum of eight hundred eight-one dollars and eighty-one cents (\$881.81) be and hereby is appropriated and allowed to reimburse the town of Hooksett for disbursements made on account of Alvin Heath who was injured April 28, 1938, while employed by the state in fighting a forest fire. That the sum of two thousand dollars (\$2,000) be allowed said Alvin Heath, to be paid monthly at the rate of forty dollars (\$40) per month. The governor is hereby authorized to draw his warrants for said sum out of any money in the treasury not otherwise appropriated, and it shall be in full settlement of said claim.

The report was accepted, amendment adopted, and the bill referred to the Committee on Finance, under the rules.

Senator O'Malley, for the Committee on Finance, to whom was referred House Bill No. 327, An act estab-

lishing a commission for the purpose of studying the possibilities of protecting individuals unemployed because of sickness or ill health.

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1. *Commission Established.* There is hereby created the commission on disability benefits, hereinafter referred to as the commission, consisting of three appointive members and the labor commissioner, who shall act as chairman, and the administrator of the unemployment compensation division, who shall act as secretary, *ex officio*. The appointive members of the commission shall be appointed by the governor with the advice and consent of the council for a term of two years each or until the report required under section 3 has been filed. Vacancies in the commission shall be filled in the same manner as original appointments. The members of the commission, other than the *ex officio* members, shall serve without compensation, but shall be allowed actual expenses incurred in the course of their duties as such commissioners.

Amend section 5 of said bill by striking out the same and inserting in place thereof the following:

5. *Appointment of Personnel.* The chairman of the commission, with the advice and consent of the commission, is hereby authorized to appoint and fix the compensation of such assistants as may be necessary to carry out the purposes of this act.

Amend section 7 of said bill by striking out the same and inserting in place thereof the following:

7. *Appropriation.* There is hereby appropriated for the purposes of this act the sum of two thousand five hundred dollars. The commission shall have no authority or power to incur debts or contract any liabilities in the name of the state over and above the

amount of the appropriation made herein. The governor is hereby authorized to draw his warrant for the sum herein appropriated out of any money in the treasury not otherwise appropriated.

The report was accepted, amendment adopted, and the bill was ordered to a third reading this afternoon at two o'clock.

Senator Brouillette, for the Committee on Coast-wise Improvements, to whom was referred House Bill No. 228, An act relating to the control of navigation at Hampton Harbor, the inlet, so called, and the Hampton river,

Having considered the same, reported the same with the following amendment and recommended that the bill as amended ought to pass.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *Control of Navigation.* Amend chapter 152 of the Public Laws by inserting after section 12 the following new subdivision:

Hampton harbor, Harbor Inlet and Hampton river.

12-a. *Harbor-Master.* The selectmen of the town of Hampton shall annually choose a harbor-master whose duty it shall be to oversee Hampton harbor, the inlet thereto and Hampton river, to preserve and regulate navigation within said waters, to assign moorings, require the same to be kept in safe condition, to require the removal of vessels if necessary or an emergency arises, and to inquire into and prosecute all offenses under section 12 thereof. For the purposes hereof said harbor-master, with the approval of the selectmen of Hampton, shall make such reasonable rules and regulations as he shall deem proper. Said



harbor-master shall receive for his services such salary as the town may by vote determine.

12-b. *Definition.* The word "vessel" as used in this subdivision shall include boats of all sizes propelled by sail, machinery or hand, scows, dredgers, shellfish cars, and craft of every kind.

12-c. *Penalty.* Whoever violates any of the rules and regulations of the harbor-master promulgated under the authority of section 12-a, or refuses or neglects to obey the lawful and reasonable orders of the harbor-master, or resists him in the execution of his duties, shall be fined not more than fifty dollars.

All fines collected under the provisions of this section shall be for the use of the town of Hampton.

2. *Takes Effect.* This act shall take effect upon its passage.

The report was accepted, amendment adopted, and the bill ordered to a third reading this afternoon at two o'clock.

Senator Marcoux, for the Joint Committee on State Hospital, Laconia State School, and Finance, to whom was referred House Bill No. 149, An act providing for improvements at the Laconia State school.

Having considered the same, reported the same with the following amendments and recommended that the bill as amended ought to pass.

Amend section 1 of the bill by striking out the words and figures "fifty thousand (\$50,000)" in the first line and inserting in place thereof the words and figures, "sixty-five thousand (\$65,000); so that said section as amended will read:

1. *Appropriation.* The sum of sixty-five thousand (\$65,000), or so much thereof as may be necessary, be and hereby is appropriated to be expended for addi-



tions and improvements in the heating plant at the Laconia State school, to be expended in accordance with plans and specifications to be approved by the governor and council.

Amend section 2 of the bill by striking out the word "fifty" in the eighth line and inserting in place thereof the words sixty-five; so that said section as amended will read:

2. *Federal Assistance.* The governor and council are hereby authorized to cooperate with and enter into such agreements with the federal government or any agency thereof as they may deem advisable to secure federal funds for the purposes of this act. In case such federal funds are secured for the purposes hereof said funds shall not be used in addition to the amount appropriated by the state hereunder but the total amount of federal and state funds to be expended for said purposes shall not exceed the sum of sixty-five thousand dollars.

Amend section 3 of the bill by striking out the word "fifty" in the fifth line and inserting in place thereof the words sixty-five; so that said section as amended will read:

3. *Bonds or Notes Authorized.* In order to provide the funds for the appropriation made in section 1, the state treasurer is hereby authorized, under the direction of the governor and council, to borrow upon the credit of the state a sum not exceeding sixty-five thousand dollars and for that purpose may issue bonds or notes in the name and on behalf of the state. Such bonds or notes shall be deemed a pledge of the faith and credit of the state.

Amend section 6 of the bill by striking out the word "fifty" in the sixth line and inserting in place thereof the words sixty-five; so that said section as amended will read:

6. *Short-Term Notes.* Prior to the issuance of the bonds hereunder, the treasurer, under the direction of the governor and council, may for the purposes hereof borrow money from time to time on short-term loans to be refunded by the issuance of the bonds hereunder provided however that at no one time shall the indebtedness of the state on such short term loans exceed the sum of sixty-five thousand dollars.

The report was accepted, amendments adopted and the bill ordered to a third reading this afternoon at two o'clock.

### **Bills Engrossed**

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled bills:

Senate Bill No. 61, An act relative to the use of highways by bicycle riders and others.

Senate Bill No. 67, An act relating to the trustees of Tilton school.

House Bill No. 193, An act relative to taking fish.

House Bill No. 373, An act relating to commitment to the state hospital.

House Bill No. 375, An act relating to federal aid for wildlife-restoration projects.

House Bill No. 425, An act validating proceedings of the annual meeting of the Conway Village Fire District.

House Bill No. 429, An act relating to forest fires.

House Bill No. 398, An act to eliminate the direct state tax on real property by means of a tax on tobacco products.

OLIVER H. MUNROE,  
*For the Committee.*

### House Message

The following message was received from the House of Representatives by its Clerk:

*Mr. President:*

The House of Representatives has refused to concur with the Honorable Senate in its amendments to the following entitled bills and asks that a Committee of Conference be appointed.

House Bill No. 323, An act making appropriations for the expenses of the State of New Hampshire for the year ending June 30, 1940.

House Bill No. 324, An act making appropriations for the expenses of the State of New Hampshire for the year ending June 30, 1941.

The Speaker has appointed on such a committee on the part of the House of Representatives Messrs. Boynton, Seavey, Bell, Sanderson and Osborn.

On motion of Senator Butler, the Senate voted to accede to the request of the House of Representatives for a Committee of Conference.

Pursuant to the above request, the President appointed as members on the part of the Senate Senators Butler, Page and O'Malley.

On motion of Senator Munroe, the rules were suspended and all business in order this afternoon at two o'clock was made in order at the present time.

### Third Readings

The following entitled bills were read a third time and passed.

House Bill No. 149, An act providing for improvements at the Laconia State School.

House Bill No. 228, An act relating to the control of navigation at Hampton Harbor, the inlet, so called, and the Hampton River.

House Bill No. 327, An act establishing a commission for the purpose of studying the possibilities of protecting individuals unemployed because of sickness or ill health.

On motion of Senator Brouillette, the Senate adjourned.

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THURSDAY, JUNE 8, 1939.

The Senate met according to adjournment.

### Leaves of Absence

Senator Finley was granted leave of absence for the day on account of illness.

Senators Marcoux and Chesley were granted leaves of absence for the day on account of important business.

### House Message

The following message was received from the House of Representatives by its Clerk:

*Mr. President:*

The House of Representatives has passed the following entitled bill in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 379, An act providing for a division of municipal accounting within the state tax commission.

The message further stated that the House of Representatives has refused to concur with the Honorable Senate in the passage of the following entitled bill sent down from the Honorable Senate:

Senate Bill No. 47, An act relating to the biennial referendum on the sale of liquor and beverages.

The message further stated that the House of Representatives has voted to concur with the Honorable Senate in its amendments to the following concurrent resolution:

*Resolved*, That the concurrent resolution be amended by striking out the words and figures, "Thursday, June 8" wherever they appear, and substituting therefor the words and figures, Friday, June 16; so that said concurrent resolution as amended will read:

*Whereas*, It appears that all necessary legislative work may be accomplished by Friday, June 16, instant, therefore be it

*Resolved*, By the House of Representatives, the Senate concurring, that the present session of the Legislature be brought to final adjournment on Friday, June 16, instant, at 5 o'clock in the afternoon.

*Be It Further Resolved*, That all reports, bills and joint resolutions, with the exceptions of such as have been referred to the next Legislature, be indefinitely postponed.

The message further stated that the House of Representatives has voted to concur with the Honorable Senate in its adoption of the amendments offered by the Committee on Engrossed Bills to the following entitled bills:

House Bill No. 62, An act relating to trust companies and other financial institutions.

House Bill No. 424, An act relating to banking.

The message further stated that the House of Representatives has voted to concur with the Honorable Senate in the passage of the following entitled bill sent down from the Honorable Senate:

Senate Bill No. 69, An act authorizing the sale of certain property of the state.

The message further stated that the House of Representatives concurs with the Honorable Senate in the passage of the following entitled bill with amendment in the passage of which amendment the House of Representatives asked the concurrence of the Honorable Senate:

Senate Bill No. 51, An act relating to Union School District in Keene.

Amend by striking out the whole of section 5 and inserting in its place the following:

5. *Takes Effect.* This act shall take effect upon its adoption by a majority vote of the qualified voters present and voting at any legal meeting of said district.

On motion of Senator Spaulding the Senate voted to concur in the amendment sent up by the House of Representatives.

The message further stated that the House of Representatives refuses to concur in the amendments to House Joint Resolution No. 73, Joint resolution providing special emergency appropriations for forest fire protection, sent down from the Honorable Senate, and asked for a Committee of Conference.

The Speaker has appointed on such a committee on the part of the House of Representatives Messrs. Boynton of Hillsborough, Emerson of Hampstead, and Merrow of Ossipee.

On motion of Senator Mitchell the Senate voted to accede to the request of the House of Representatives for a Committee of Conference, and the President appointed as members on the part of the Senate Senators Smart and Mitchell.

### **Read and Referred**

The following entitled bill sent up from the House



of Representatives was read a first and second time, and referred to the Committee on Judiciary.

House Bill No. 379, An act providing for a division of municipal accounting within the state tax commission.

### Committee Reports

Senator Marcoux, for the Committee on Ways and Means, to whom was referred House Bill No. 350, An act to amend and clarify the law relating to motor vehicles,

Having considered the same, reported the same with the following amendment and recommended that the bill as amended ought to pass.

Amend the title of said bill by striking out the same and inserting in place thereof the following:

An act relative to the registration of highway building equipment vehicles and equipment mounted on trucks.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *Motor Vehicles; Definition.* Amend paragraph II, section 1, chapter 99, Public Laws, by inserting before the word "tracks" the word, stationary, so that said paragraph as amended shall read as follows: II. "Vehicle" any mechanical device suitable for use on highways, except those propelled or drawn by human power or those used exclusively upon stationary tracks.

2. *Stationary Tracks.* Amend paragraph IX, section 1, chapter 99, Public Laws, by inserting before the word "tracks" in the second line the word, stationary, so that said paragraph as amended shall read as follows: IX. "Motor vehicle" any self-propelled vehicle not operated exclusively upon stationary tracks, except tractors.

3. *Definition.* Amend paragraph XIII, section 1, chapter 99, Public Laws, by inserting before the word "tracks" the word, stationary, so that said paragraph as amended shall read as follows: XIII. "Trailer" any vehicle without motive power designed for carrying property or passengers wholly on its own structure and for being drawn by a self-propelled vehicle, except those running exclusively on snow or on stationary tracks and vehicles used exclusively for agricultural purposes.

4. *Registration Fees.* Amend paragraph III of section 1, chapter 102, Public Laws, as amended by chapter 94, Laws of 1927, chapter 45, Laws of 1935, chapter 48 and section 5, chapter 132, Laws of 1939, and by section 1 of an act entitled "An act relative to the registration fees for motor vehicle tractors and tractors used for agricultural purposes only" approved at the 1939 session, by striking out the same and inserting in place thereof the following: III. For each motor vehicle or tractor, including trailers and semi-trailers equipped with pneumatic tires, except motor cycles and motor cycle sidecars, and except as provided in paragraph III-a, the following rates based on the gross weight of the vehicle and load: All vehicles and load not exceeding four thousand pounds, thirty-five cents per hundred pounds; exceeding four thousand and not exceeding six thousand pounds, forty-five cents per hundred pounds; exceeding eight thousand and not exceeding eight thousand pounds, fifty cents per hundred pounds; exceeding eight thousand pounds, sixty cents per hundred pounds. For all vehicles equipped with hard rubber tires the sum of twenty cents per hundred shall be added to the above rates. For all vehicles equipped with iron, steel or other hard tires the sum of forty cents per hundred pounds shall be added to the above rates; provided that

the minimum fee as provided herein shall be ten dollars for passenger vehicles and fifteen dollars for trucks. Equipment mounted on trucks of which the equipment is an integral part of the unit shall be registered at one-third of the above rates. Cement mixers, saw rigs and air compressors towed by motor vehicles shall pay one tenth of the above rates except when towed exclusively within the limits of a single city or town, in which case no fees for registration shall be collected. In the registration of any tractor to be used in combination with a semi-trailer, the gross weight shall include the weight of such tractor, the weight of the heaviest semi-trailer to be used therewith, and the weight of the maximum load to be carried thereby, and separate registration certificates and plates shall be provided for the tractor and the semi-trailer. For the registration of each additional or extra semi-trailer the fee shall be twenty-five dollars.

5. *Highway Building Equipment.* Amend section 1, chapter 99, Public Laws, by inserting after paragraph XXVII the following new paragraph: XXVIII. "Highway building equipment" shall include all bulldozers, rollers, scrapers, graders, spreader's, pavers, bituminous mixers, retreading machines, compressors, power shovels, excavators, wagons, concrete mixers, bucket loaders, snow loaders, rooters, scarifiers and tractors, while being used in connection with the building, repair or maintenance of highways or while being transported or moved over the highways under a permit from the board or officer having charge of such highway, or, in the case of a state highway or highway determined by the state highway department to be a through route, from the state highway commissioner, and such permit may limit the time within which it shall be in force and the highways which may be used

and may contain any provisions or conditions necessary for the protection of such highways from injury. Road oilers, bituminous distributors and heavy duty platform trailers and semi-trailers are expressly excepted from this definition.

6. *Registration Not Required.* Amend chapter 100 of the Public Laws by inserting after section 5, as amended by section 1, chapter 132, Laws of 1939, the following new section: 5-a. *Highway Building Equipment.* A resident owner of highway building equipment, as defined in paragraph XXVIII of section 1 of chapter 99 of the Public Laws, or a non-resident owner of such highway building equipment who has a bona fide actual residence in a state granting like privileges to residents of this state, in order to operate said equipment as provided in said paragraph shall not be required to register such equipment in this state.

7. *Takes Effect.* This act shall take effect upon its passage.

The report was accepted.

On motion of Senator Page further reading of the amendment was dispensed with.

On a *viva voce* vote the amendment was adopted and the bill ordered to a third reading this afternoon at two o'clock.

Senator O'Malley, for the Committee on Finance, to whom were referred House Joint Resolution No. 17, Joint resolution in favor of Everett Hunnewell.

House Joint Resolution No. 76, Joint resolution in favor of Joseph Caron.

Having considered the same, reported the same without amendment and recommended their passage.

The reports were accepted, recommendations of the committee adopted and the joint resolutions ordered to a third reading this afternoon at two o'clock.

Senator O'Malley, for the Committee on Finance, to whom was referred House Joint Resolution No. 67, (In New Draft), Joint resolution in favor of Clyde Hudson and others.

Having considered the same, reported the same with the following amendment and recommended that the joint resolution as amended ought to pass.

Amend the last sentence of said resolution by striking out the same and inserting in place thereof the following:

The sums hereby appropriated shall be in full settlement of said claims and shall be a charge upon the highway funds.

The report was accepted, amendment adopted and the joint resolution ordered to a third reading this afternoon at two o'clock.

Senator Noel, for the Committee on Claims, to whom was referred House Joint Resolution No. 74, Joint resolution in favor of William Kaskonas.

Having considered the same, reported the same with the following amendment and recommended that the joint resolution as amended ought to pass.

Amend said joint resolution by striking out the words and figures "two hundred and fifty dollars (\$250.)" in the first line and inserting in place thereof the words and figures, five hundred eighty-seven dollars and forty cents (\$587.40); and by adding at the end thereof the words, and shall be in full settlement of said claim; so that said joint resolution as amended will read:

That the sum of five hundred eighty-seven dollars and forty cents (\$587.40) be and hereby is appropriated and allowed William Kaskonas of Dunbarton for injuries he received in November, 1937, while in the employ of the state highway department and the sum of seventy-two dollars (\$72.) be allowed Dr.



Robert J. Graves for services to said William Kaskonas in connection with said injuries. The sums hereby appropriated shall be a charge upon the highway funds, and shall be in full settlement of said claim.

The report was accepted, amendment adopted and the joint resolution referred to the Committee on Finance under the rules.

Senator Noel, for the Committee on Claims, to whom was referred House Joint Resolution No. 77, Joint resolution in favor of Emma S. McGirr.

Having considered the same, reported the same without amendment and recommended its passage.

The report was accepted, recommendation of the committee adopted and the joint resolution referred to the Committee on Finance under the rules.

On motion of Senator Noel the rules were suspended, reference to committee dispensed with and the foregoing entitled bill was read a third time and passed.

Senator Lazure, for the Committee on Judiciary, to whom was referred House Bill No. 159, An act providing for the litigation of small claims.

Having considered the same, reported the same with the following amendments and recommended that the bill as amended ought to pass.

Amend section 2 of the bill by inserting after the word "plaintiff" in the second line of said section the words, or his authorized attorney; so that said section as amended will read:

2. *Procedure Established.* There is hereby established a simple, speedy and informal procedure which a plaintiff or his authorized attorney may pursue in an action commenced before a justice of a municipal court for the determination of a small claim. Such procedure shall be alternative and not exclusive.



Amend section 3 of the bill by adding after the word "plaintiff" in the first and fourth lines of said section the words, or his authorized attorney; and by striking out the word "fifty" in the fifth line and inserting in place thereof the word seventy; so that said section as amended will read:

3. *Process.* A plaintiff or his authorized attorney hereunder shall state the substance of his claim to the justice or clerk of the municipal court having jurisdiction thereof who shall briefly record the nature of the claim and set a date for hearing. The plaintiff or his authorized attorney shall at the same time pay an entry fee of one dollar and seventy cents.

Amend section 4 of the bill by inserting after the word "services" in the second line of said section the words, twenty cents to be used for postage for notice to defendant; so that said section as amended will read:

4. *Disposition of Fee.* Of the amount of the entry fee the justice shall be allowed the sum of one dollar for his services, twenty cents to be used for postage for notice to defendant, and fifty cents shall be for the use of the town in which the court is established.

Amend section 6 by adding at the end thereof the words, return receipt showing that defendant has received the statement shall constitute an essential part of the service; so that said section as amended will read:

6. *Notice to Defendant.* The justice shall cause notice of the claim and the substance thereof to be given to the defendant by sending a written statement to the defendant by post paid registered mail addressed to the defendant at his last known post office address and directing the defendant to appear at the time and place of hearing, which shall be not less

than fourteen days from the date said notice is mailed to the defendant. Return receipt showing that defendant has received the statement shall constitute an essential part of the service.

Amend section 7 of the bill by inserting after the word "plaintiff" in the fourth and ninth lines of said section the words, or his authorized attorney; so that said section as amended will read:

7. *Judgment.* At the hearing the technical rules of evidence shall not apply but the justice may admit any evidence he deems material and proper. Judgment shall be entered for the prevailing party and if the plaintiff or his authorized attorney recover his costs shall be awarded to him in addition to the judgment made in his behalf. In awarding judgment the justice may provide for payment thereof in installments. Failure to appear before the magistrate on the part of the defendant shall grant judgment in favor of the plaintiff or his authorized attorney.

The report was accepted, amendments adopted and the bill ordered to a third reading this afternoon at two o'clock.

### **Introduction of Committee Report**

Senator Butler, under a suspension of the rules, introduced a committee report not previously advertised in the Journal.

Senator O'Malley, for the Committee on Finance, to whom was referred Senate Joint Resolution No. 4, Joint resolution in favor of Thomas J. Callahan.

Having considered the same, reported the same without amendment and recommended its passage.

The report was accepted, recommendation of the committee adopted and the joint resolution ordered to a third reading this afternoon at two o'clock.

On motion of Senator Butler, the rules were suspended and the joint resolution was read a third time and passed at the present time.

On motion of Senator James the rules were suspended and all business in order for this afternoon at two o'clock was made in order at the present time.

### Third Readings

The following entitled bills were read a third time and passed.

House Bill No. 159, An act providing for the litigation of small claims.

House Bill No. 350, An act to amend and clarify the law relating to motor vehicles.

House Joint Resolution No. 17, Joint resolution in favor of Everett Hunnewell.

House Joint Resolution No. 67, (In New Draft), Joint resolution in favor of Clyde Hudson and others.

House Joint Resolution No. 76, Joint resolution in favor of Joseph Caron.

On motion of Senator Noel the following resolution was adopted:

*Resolved*, That when the Senate adjourns this morning it adjourn to meet Saturday morning at ten o'clock, and when it adjourns Saturday morning it adjourn to meet Tuesday morning at eleven o'clock.

On motion of Senator Estabrook the Senate adjourned.

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SATURDAY, JUNE 10, 1939.

The Senate met according to adjournment.

Senator Noel presiding.

There being manifestly no quorum present, the President declared the Senate adjourned.

TUESDAY, JUNE 13, 1939.

The Senate met according to adjournment.

### House Message

The following message was received from the House of Representatives by its Clerk:

*Mr. President:*

The House of Representatives has passed the following entitled bills in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 430, An act providing funds for improvements in the state house.

House Bill No. 95, An act to establish a new apportionment for the assessment of public taxes.

House Bill No. 403, An act providing for the merger and consolidation of corporations.

House Bill No. 432, An act providing deficiency appropriation for certain state departments.

The message further stated that the House of Representatives refuses to concur with the Honorable Senate in its amendments to

House Bill No. 228, An act relating to the control of navigation at Hampton Harbor, the inlet, so-called, and the Hampton river, and asks that a Committee of Conference be appointed.

The Speaker has appointed as members of such a committee on the part of the House Messrs. Pennell of Exeter, Adams of Hampton and Batchelder of Keene.

On motion of Senator Estabrook the Senate voted to accede to the request of the House of Representatives for a Committee of Conference and the President appointed Senators Estabrook and Fairbanks.

The message further stated that the House of Representatives has voted to concur with the Honorable Senate in its amendments to the following entitled bills:

House Bill No. 149, An act providing for improvements at the Laconia State School.

House Bill No. 159, An act providing for the litigation of small claims.

The message further stated that the House of Representatives has voted to concur with the Honorable Senate in the passage of the following entitled bill sent down from the Honorable Senate:

Senate Bill No. 70, An act relating to the trial of capital cases.

### **Read and Referred**

The following entitled bills sent up from the House of Representatives were read a first and second time and referred,

To the Committee on Finance,

House Bill No. 430, An act providing funds for improvements in the state house.

House Bill No. 432, An act providing deficiency appropriation for certain state departments.

To the Committee on Judiciary,

House Bill No. 403, An act providing for the merger and consolidation of corporations.

To the Committee on Ways and Means,

House Bill No. 95, An act to establish a new apportionment for the assessment of public taxes.

### **Committee Reports**

Senator Brouillette, for the Committee on Coastwise Improvements, to whom was referred,

House Bill No. 393, An act providing for the reconstruction of a toll bridge at Hampton Harbor.

Having considered the same, reported the same without amendment and recommended its passage.

The report was accepted, recommendation of the committee adopted and the bill referred to the Committee on Finance under the rules.

### Majority and Minority Report

A majority of the Committee on Finance, to whom was referred, House Joint Resolution No. 13, Joint resolution in favor of James F. Donahue and George C. Hamlin.

Having considered the same, reported the same with the following amendment and recommended that the joint resolution as amended ought to pass.

Amend House Joint Resolution No. 13 by adding at the end thereof the following:

The sum herein appropriated shall be in full settlement of all claims which the said James F. Donahue and George C. Hamlin or Donahue & Hamlin, Inc., may have against the state of New Hampshire, or the forestry and recreation commission, arising out of the leases and occupation of the said Willey House property.

LESTER MITCHELL,  
HAROLD FAIRBANKS,  
THOMAS O'MALLEY,

*For a Majority of the Committee.*

A minority of the Committee on Finance, to whom was referred House Joint Resolution No. 13, Joint resolution in favor of James F. Donahue and George C. Hamlin.

Having considered the same, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

CHARLES F. BUTLER,  
CURTIS H. PAGE,

*For a Minority of the Committee.*

The report of the majority was accepted.



Senator Butler moved that the report of the minority be substituted for that of the majority.

(Discussion ensued)

Senator Mitchell requested a division.

Five Senators having voted in the affirmative and sixteen Senators having voted in the negative, the negative prevailed and the motion to substitute was lost.

The question being stated, Shall the recommendations of a majority of the committee be adopted?

On a *viva voce* vote the Senate voted to adopt the recommendation of a majority of the committee and the bill was ordered to a third reading this afternoon at two o'clock.

Senator O'Malley, for the Committee on Finance, to whom was referred,

House Bill No. 358, An act creating a State Aeronautics Commission.

Having considered the same, reported the same without amendment and recommended its passage.

The report was accepted, recommendation of the committee adopted, and the bill ordered to a third reading this afternoon at two o'clock.

On motion of Senator Butler, the rules were suspended, and the foregoing bill was read a third time and passed at the present time.

Senator O'Malley, for the Committee on Finance, to whom were referred,

House Joint Resolution No. 28, Joint resolution in favor of Harry S. Taylor.

House Joint Resolution No. 61, Joint resolution in favor of Fred D. Parsons.

House Joint Resolution No. 75, Joint resolution in favor of the town of Hooksett.

House Bill No. 236, An act providing for improvements at the State Sanatorium.

Having considered the same, reported the same without amendment and recommended their passage.

The reports were accepted, recommendations of the committee adopted, and the bills ordered to a third reading this afternoon at two o'clock.

Senator Munroe, for the Committee on Fisheries and Game, to whom was referred,

Senate Bill No. 71, An act relative to conservation officers of the Fish and Game Department.

Having considered the same, reported the same without amendment and recommended its passage.

The report was accepted, recommendation of the committee adopted and the bill ordered to a third reading this afternoon at two o'clock.

Senator Lazure, for the Committee on Judiciary, to whom was referred House Bill No. 392, An act authorizing agricultural co-operative associations to generate, transmit, and distribute electric energy and to conduct other services in connection therewith,

Having considered the same, reported the same with the following amendment and recommended that the bill as amended ought to pass.

Amend House Bill No. 392, as amended, by striking out in paragraph I of sub-section 3-a the words "provided, however, that such service shall be rendered only to persons not receiving central station electric service on the effective date of this amendment and to such other persons as the Public Service Commission may find, upon petition and after notice and hearing, should in the public interest be so served"; and inserting in place thereof the following: "provided, however, that such service shall be rendered only to persons residing on premises not receiving central station service on the effective date of this amendment and to

such other persons as the Public Service Commission may find upon petition and after notice and hearing, that it is in the public interest that such association should render such service"; so that said paragraph number I, as amended, will read as follows:

"I. To generate, manufacture, purchase, acquire, accumulate and transmit electric energy, and to distribute, sell, supply and dispose of electric energy to its members, to governmental agencies and political subdivisions, and to other persons not in excess of ten per centum (10%) of the number of its members, but no person shall become a member unless such person shall agree to use electric energy furnished by the co-operative when such electric energy shall be available through its facilities, and membership shall cease if such person shall fail or refuse to use electric energy made available by the co-operative or if electric energy shall not be made available by the co-operative within a specified time after such person shall have become a member; provided, however, that such service shall be rendered only to persons residing on premises not receiving central station service on the effective date of this amendment and to such other persons as the Public Service Commission may find upon petition and after notice and hearing, that it is in the public interest that such association should render such service; and provided, further, that the provisions of section 7 of chapter 224 of the Public Laws as amended by section 2 of chapter 73, Laws of 1933, with respect to qualifications of members shall not apply to members of a co-operative association organized under this paragraph:

Amend section 3-c by striking out the words "this paragraph" in line 2 and inserting the words "section 3-a"; so that said section as amended will read:

3-c. *Reports.* Co-operative Associations organized under section 3-a shall be subject to the provisions of section 7 and sections 12 to 18 inclusive of chapter 240 of the Public Laws, provided, however, that if any such association shall file annually with the Public Service Commission, a certified copy of the annual report required to be filed by it with any agency or department of the United States of America pursuant to any mortgage or deed of trust executed by it, such association shall be deemed to have complied fully with all the requirements of this sub-paragraph.

Amend section 3-e by striking out the whole thereof and substituting in place thereof the following:

3-e. *Exemption.* Except as otherwise provided in sections 3-a to 3-d, inclusive, co-operative associations organized under section 3-a shall be exempt from the jurisdiction of the Public Service Commission of this state.

Amend section 2 by striking out the words "this paragraph" and substituting therefor the words "said sections"; so that said section as amended will read:

2. *Separability of Provisions.* If any provisions of sections 3-a to 3-e inclusive, or the application of such provision to any person, body, or circumstance shall be held invalid, the remainder of said sections, or the application of such provisions to persons, bodies or circumstances other than those as to which it shall have been held invalid, shall not be affected thereby.

On motion of Senator Weston further reading of the amendment was dispensed with.

The report was accepted, amendment adopted and the bill ordered to a third reading this afternoon at two o'clock.

Senator Lazure, for the Committee on Judiciary, to whom was referred House Bill No. 275, An act relating to workmen's compensation.

Having considered the same, reported the same without amendment and recommended its passage.

The report was accepted, recommendation of the committee adopted and the bill ordered to a third reading this afternoon at two o'clock.

Senator Brouillette, for the Joint Committee on State Prison and Industrial School and Finance, to whom was referred House Bill No. 64, An act providing for the remodelling of the old main Building at the State Industrial School.

Having considered the same, reported the same with the following amendment and recommended that the bill as amended ought to pass.

Amend section 2 of the bill by striking out all after the word "act" in the fourth line and inserting in place thereof the words, In case such federal funds are secured for the purposes hereof said funds may be used in addition to the amount appropriated by the state hereunder; so that said section as amended will read:

2. *Federal Assistance.* The governor and council are hereby authorized to cooperate with and enter into such agreements with the federal government or any agency thereof as they may deem advisable to secure federal funds for the purposes of this act. In case such federal funds are secured for the purposes hereof said funds may be used in addition to the amount appropriated by the state hereunder.

The report was accepted, amendment adopted and the bill ordered to a third reading this afternoon at two o'clock.

Senator Brouillette, for the Joint Committee on State Prison and Industrial School and Finance, to whom was referred House Joint Resolution No. 63,

Joint resolution making an appropriation for the construction and equipment of a piggery at the state prison.

Having considered the same, reported the same without amendment and recommended its passage.

The report was accepted, recommendation of the committee adopted and the bill ordered to a third reading this afternoon at two o'clock.

### Majority and Minority Report

A majority of the Committee on Judiciary, to whom was referred House Bill No. 300, An act to make uniform the law with reference to trust receipts and pledges of personal property unaccompanied by possession in the pledgee.

Having considered the same, reported the same without amendment and recommended its passage.

DENIS F. MAHONEY,  
A. RALPH ESTABROOK,  
WILLIAM M. COLE,

*For a Majority of the Committee.*

A minority of the Committee on Judiciary, to whom was referred House Bill No. 300, An act to make uniform the law with reference to trust receipts and pledges of personal property unaccompanied by possession in the pledgee.

Having considered the same, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report of the majority was accepted.

Senator Weston moved that the report of the minority, inexpedient to legislate, be substituted for that of the majority, ought to pass.

(Discussion ensued)

Senator Mahoney demanded a roll call.

The question being stated,



Shall the report of the minority be substituted for that of the majority?

The Clerk proceeded to call the roll.

The following named Senators voted in the affirmative: Senators Finley, Bryant, Butler and Weston.

The following named Senators voted in the negative: Senators Lazure, Mitchell, Smart, Munroe, Fairbanks, Spaulding, James, Noel, Avery, Bond, Mahoney, O'Malley, Brouillette, Marcoux, Chesley, Cole, Estabrook and Dale.

Four Senators having voted in the affirmative and eighteen in the negative, the negative prevailed and the motion to substitute was lost.

On a *viva voce* vote the Senate voted to adopt the recommendation of a majority of the Committee and the bill was ordered to a third reading this afternoon at two o'clock.

### Committee of Conference Reports

The committee of conference on House Joint Resolution No. 73, having considered the same recommend that the House recede from its position of non-concurrence and that the Senate recede from its position in adopting its amendments and that the House and Senate adopt the following amendment: Amend said resolution by striking out all after the resolving clause and inserting in place thereof the following:

That the sum of one hundred thousand dollars (\$100,000) is hereby appropriated and made available for the period from the date of the passage hereof until June 30, 1941, said sum to be expended by the forestry and recreation department, with the approval of the governor and council, (1) thirty thousand dollars (\$30,000) for the state's portion of expenses of fighting forest and brush fires as provided by sections 23 and 26 of chapter 191 of the Public Laws, as

amended by chapter 133, Laws of 1929, and (2) seventy thousand dollars (\$70,000) to provide additional administrative assistance, patrol by the state and in cooperation with the towns and other agencies, services of fire wardens on inspection and other preventive work, fire plans, maps and materials for educational programs, operation and maintenance of extra fire lookout stations and telephone lines, aid to towns in securing adequate tool supplies for fire fighting purposes, state power pumps and hose for use of groups of towns, trucks fully equipped for general emergency calls and such other materials, supplies, equipment and services as may be needed. An additional sum of eight thousand dollars (\$8,000) is hereby appropriated and made available for the period from July 1, 1939, to January 1, 1940, to be expended by the forestry and recreation department, with the approval of the governor and council, for continuing the emergency timber salvage advisory work in the public interest. The governor is hereby authorized to draw his warrants for the sums hereby appropriated out of any money in the treasury not otherwise appropriated.

GEORGE W. BOYNTON,  
FRANK W. EMERSON,  
HARRY A. MERRILL,

*Conferees on the part of the House.*

HARRY P. SMART,  
L. E. MITCHELL,

*Conferees on the part of the Senate.*

On a *viva voce* vote the report was adopted.

The Committee of Conference on House Bill No. 356 having considered the same, reported the same with the following recommendation: That the House recede from its position of non-concurrence and that the Senate recede from its position in adopting its amend-

ments and that the Senate and House adopt the following amendments to the bill:

Amend section 6 of section 1 of said bill by striking out the same and inserting in place thereof the following:

6. *Assistants.* Said superintendent shall appoint such assistants as he may require, specify their work and fix their compensation. The superintendent with the approval of the governor and council may designate any employee of his department to act as assistant superintendent.

Amend said bill by inserting after section 4 the following new section:

5. *Duties of Secretary of State.* During the period from July 1, 1939, to June 30, 1941, the secretary of state shall have charge of all matters relating to the care, maintenance and repair of the Daniel Webster birthplace and the grounds connected therewith.

Amend section 5 of said bill by striking out the same and inserting in place thereof the following and renumbering the same:

6. *Takes Effect.* The provisions of chapter 7 of the Public Laws, as hereinbefore amended, relative to the care and maintenance of the Daniel Webster birthplace by the superintendent of state buildings and grounds, being section 5 of said chapter 7, shall take effect as of July 1, 1941, but all other provisions of this act shall take effect as of July 1, 1939.

GEORGE W. BOYNTON,  
CHARLES B. OFFICER,  
LEO L. OSBORNE,

*Conferees on the part of the House.*

WILLIAM M. COLE,  
CHARLES F. BUTLER,

*Conferees on the part of the Senate.*

On a *viva voce* vote the report was adopted.

Senator Lazure, for the Committee on Engrossed Bills, to whom was referred,

House Bill No. 117, An act relating to the diseases of domestic animals.

Having considered the same, reported the same under Joint Rule No. 6, with the following amendment and recommended that the bill as amended ought to pass.

Amend section 3 of said bill by inserting after the word "by" in the second line the words and figures, section 2, chapter 169, Laws of 1929, and.

Amend section 5 of said bill by striking out the words "in line five" and inserting in place thereof the words, in the fifth line and by striking out the words "line six" and inserting in place thereof the words, the third line.

Amend section 6 of said bill by striking out the words in line eight.

The report was accepted, amendments adopted and the bill as amended sent to the House of Representatives for concurrence in the Senate amendment.

Senator Lazure for the Committee on Engrossed Bills, to whom was referred,

Senate Bill No. 53, An act relative to Sunday work for employees engaged in the work of communications.

Having considered the same, reported the same under Joint Rule No. 6 with the following amendment and recommended that the bill as amended ought to pass.

Amend the title of said bill by striking out the same and inserting in place thereof the following:

An act relative to Sunday work for employees of telegraph and telephone offices.

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1. *One Day Rest in Seven; Exceptions.* Amend section 47 of chapter 176 of the Public Laws, as inserted by chapter 130, Laws of 1933, and as amended by chapter 129, Laws of 1937, and chapter 70, Laws of 1939, by inserting after paragraph VII the following new paragraph: VIII. Employees of telegraph and telephone offices.

The report was accepted, amendments adopted and the bill as amended sent to the House of Representatives for concurrence in the Senate amendment.

Senator Lazure, for the Committee on Engrossed Bills, to whom was referred House Bill No. 282, An act relating to investment of life insurance companies.

Having considered the same, reported the same under Joint Rule No. 6, with the following amendment and recommended that the bill as amended ought to pass.

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1. *Life Insurance Companies.* Amend section 15 of chapter 278 of the Public Laws, as amended by chapter 56 of the Laws of 1929, by striking out said section and inserting in place thereof the following:

15. *Securities, etc.* Such companies shall invest their funds as follows:

1. In bonds of the United States.

11. In loans secured by first mortgage on improved real estate subject to the following limitations: (a) Such loans shall not exceed fifty per cent of the value of the mortgaged property except in the case of loans on property in cities or towns where the mortgage provides for the amortization of the debt during the term of the loan or at a rate of not less than five per cent per annum after the first year, in which case

loans shall not exceed sixty-six and two-thirds per cent of the value of the mortgaged property; (b) all insurable buildings considered a part of the value of the mortgaged real estate shall be insured for the benefit of the mortgagee; (c) any mortgages taken in connection with the sale of real estate by any such company may be on terms as determined by the directors of the company or authorized committee thereof; (d) the value of mortgaged real estate may be determined by an appraisal made under oath of two freeholders resident in the county or city in which such real estate is located; (e) no such company shall invest in or loan upon the security of any one property more than two percent of its total admitted assets.

III. In loans insured by the federal housing administrator.

IV. In such other bonds, obligations and securities as are a legal investment for New Hampshire savings banks at the time of such investment.

V. In loans upon the pledge of stock bonds or other obligations where the current value of such stock, bonds or obligations is at least twenty per cent more than the amount loaned thereon.

VI. In loans upon its own policies to an amount not exceeding the reserve against the policy at the time such loan is made thereon.

The reported was accepted, amendments adopted and the bill as amended sent to the House of Representatives for concurrence in the Senate amendment.

Senator Lazure, for the Committee on Engrossed Bills, to whom was referred House Bill No. 404, An act relative to the operation of motor vehicles of non-residents on the highways of this state.

Having considered the same, reported the same under Joint Rule No. 6, with the following amendment



and recommended that the bill as amended ought to pass.

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1. *Definitions.* Amend paragraph XVII of section 1, chapter 99, Public Laws, by striking out the word "three" and inserting in place thereof the word, six, so that said paragraph as amended shall read as follows: XVII. "Non-resident" a person who has no regular place of abode or business in this state for a period of more than six months continuously in the calendar year.

The report was accepted, amendments adopted and the bill as amended sent to the House of Representatives for concurrence in the Senate amendment.

### Bills Engrossed

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled bills:

Senate Bill No. 60, An act relating to the manufacture and sale of certain alcoholic beverages.

Senate Bill No. 69, An act authorizing the sale of certain property of the state.

House Bill No. 62, An act relating to trust companies and other financial institutions.

House Bill No. 407, An act relative to hours of labor for laundry establishments.

House Bill No. 424, An act relating to banking.

House Bill No. 434, An act relative to the powers of the fiscal agent of Coos county.

Senate Bill No. 51, An act relating to Union School District in Keene.

House Bill No. 149, An act providing for improvements at the Laconia State School.

House Joint Resolution No. 17, Joint resolution in favor of Everett Hunnewell.

House Joint Resolution No. 26, Joint resolution for a memorial work of the sesquicentennial of the federal constitution.

House Joint Resolution No. 76, Joint resolution in favor of Joseph Caron.

House Joint Resolution No. 77, Joint resolution in favor of Emma S. McGirr.

OLIVER H. MUNROE,  
*For the Committee.*

### House Message

The following message was received from the House of Representatives by its Clerk:

*Mr. President:*

The House of Representatives has voted to adopt the amendments offered by the Committee on Engrossed Bills to the following Senate Bill, in the adoption of which amendments the House of Representatives asks the concurrence of the Honorable Senate:

Senate Bill No. 68, An act to authorize the sale of property in Durham, New Hampshire for the benefit of the University of New Hampshire.

Amend section 1 of said bill by striking out the abbreviation "Jr" where it occurs in said section.

On motion of Senator Weston the Senate voted to concur in the amendment sent up by the House of Representatives

On motion of Senator Smart, the Senate recessed until 1:45 P. M.

### Recess

The Senate re-assembled.

### Introduction of Committee Report

On motion of Senator Weston, the rules were suspended to introduce a committee report not previously advertised in the Journal.

Senator Lazure, for the Committee on Judiciary, to whom was referred

House Bill No. 379, An act providing for a division of municipal accounting within the State Tax Commission :

Having considered the same, reported the same with the following amendment and recommended that the bill as amended ought to pass.

Amend House Bill No. 379 by striking out the word "division" in line 25 of Section 1 thereof and substituting in place of it the word "commission." Further amend said bill by striking out the word "director" in line 35 in said section and substituting in place of it the word "commission." Further amend said bill by striking out the word "director" in line 42 of said section and substituting in place of it the word "commission." Further amend said bill by striking out the word "director" in line 43 of said section and substituting in place of it the word "commission." Further amend said bill by striking out the word "director" in line 47 of said section and substituting in place of it the word "commission." Further amend said bill by striking out the word "director" in line 48 of said section and substituting in place of it the word "commission." Further amend said bill by striking out the word "director" in line 54 of said section and substituting in place of it the word "commission." Further amend said bill by striking out the word "director" in line 56 of said section and substituting in place of it the word "commission." Further amend said bill by striking out the word "he" in line 57 of said section and substituting in place thereof the word "it." Further

amend said bill by striking out the word "director" in line 60 of said section and substituting in place of it the word "commission." Further amend said bill by striking out the word "him" in line 64 of said section and substituting in place thereof the word "it." Further amend said bill by inserting between the words "the" and "director" in line 68 of said section the words, "commission, the." Further amend said bill by striking out the word "his" in said line 68 and substituting in place thereof the word "its." Further amend said bill by striking out the word "assistant" in said line 68, and substituting in place thereof the word "assistants." Further amend said bill by striking out the word "division" in line 84 of said section and substituting in place thereof the word "commission." Further amend said bill by striking out the word "director" in line 86 of said section and substituting in place of it the word "commission." Further amend said bill by striking out the words, "the division" in line 87 of said section, and substituting in place thereof the word "it." Further amend said bill by striking out the word "division" in lines 90 and 91 of said bill and substituting in place of it the word "commission"; so that said section as amended shall read as follows:

1. *Municipal Accounting Division.* Amend chapter 68 of the Public Laws, as amended by chapter 165, Laws of 1933, by striking out all of said chapter after section 21 and inserting in place thereof the following new subdivision:

### **Division of Municipal Accounting**

22. *Division Established; Director.* There is hereby created within the state tax commission a division of municipal accounting which shall be under the general supervision of the tax commission. The division

shall be in the charge of an officer to be known as director who shall be appointed by the commission, with the approval of the governor and council. The salary of said director shall be fixed by the commission, with the approval of the governor and council.

23. *Assistants.* The commission, with the approval of the governor and council, shall appoint such assistants as may be necessary for the performance of the duties of the division.

24. *Municipal Accounts to be Uniform.* The accounting officer of the several counties, cities, towns, school and village districts, and departments thereof, within the state, shall keep uniform accounts in a manner prescribed by the commission.

25. *Financial Reports of Municipalities.* Such accounting officers shall on or before March first of each year, return to the division of municipal accounting financial reports on prescribed forms showing the summary of receipts and expenditures, according to the uniform classifications, during their last fiscal year and a balance sheet showing assets and liabilities at the close thereof. Such accounting officers shall also furnish at other times such information as the commission may require. The information contained in said financial reports shall be tabulated and included as a part of the annual report of the tax commission.

26. *Petition for Audit by Vote of Municipality.* Any town, school district, village district or precinct, at the annual meeting or special meeting legally called therefor, may petition the commission for an audit of the accounts and said commission, as soon as possible after the receipt of such petition, shall cause such audit to be made.

27. *County Audit.* The county convention of any county may petition the commission for an audit of

the accounts of said county, and said commission as soon as possible after the receipt of such petition, shall cause such audit to be made.

28. *Petition by Officers.* The commissioners of any county, selectmen of any town, school board of any school district and commissioners of any village district or precinct, may petition the commission for an audit of the accounts of their respective unit of government. If conditions appear to the commission to warrant it, it shall, as soon as possible after the receipt of such petition, cause such audit to be made.

29. *Audit on Motion of Commission.* The commission may cause an audit to be made of the accounts of any county, city, town, school district, village district or precinct, as often as once in two years, or whatever conditions appear to it to warrant such audit.

30. *Powers of Directors; Examination of Witnesses.* For the purpose of conducting such audits the commission, the director or its duly authorized assistants shall have authority to examine any papers, books or other documents pertaining to said municipality and shall have power to summon and examine under oath any officer or other person relative to the affairs and management of such municipality.

31. *Publication of Report of Audit.* Upon the completion of each audit, as herein provided, a report thereof shall be made to the proper local officials, and a copy of such report or a summary of its essential features shall be published in the next annual report of the county, city, town, school district, village district or precinct concerned.

32. *Expenses.* All expenses incurred in carrying out the purposes of this subdivision shall be paid in



the first instance from the appropriation for the commission, but each county, city, town, school district, village district or precinct shall, upon notification by the commission of the amount due, reimburse it for all such expenses, except salaries of members of the division incurred in the audit of such municipality. Said reimbursement shall be credited to the appropriation for the commission.

The report was accepted, amendment adopted and the bill was referred to the Committee on Finance under the rules.

### House Message

The following message was received from the House of Representatives by its Clerk:

*Mr. President:*

The House of Representatives has passed the following entitled bill in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 438, An act relating to the taxation of tobacco products.

### Read and Referred

The following entitled bill sent up from the House of Representatives was read a first and second time and referred,

To the Committee on Ways and Means,

House Bill No. 438, An act relating to the taxation of tobacco products.

On motion of Senator Mahoney the rules were suspended, reference to committee dispensed with and the foregoing bill was read a third time and passed.

Senator Lazure requested that he be recorded as voting against the suspension of the rules and the passage of the bill.

On motion of Senator Chesley, the rules were suspended and all business in order for this afternoon at two o'clock, was made in order at the present time.

### Third Readings

The following entitled bills and joint resolution were read a third time and passed.

Senate Bill No. 71, An act relative to conservation officers of the Fish and Game Department.

House Joint Resolution No. 13, Joint resolution in favor of James F. Donahue and George C. Hamlin.

House Joint Resolution No. 28, Joint resolution in favor of Harry S. Taylor.

House Joint Resolution No. 61, Joint resolution in favor of Fred D. Parsons.

House Joint Resolution No. 63, Joint resolution making an appropriation for the construction and equipment of a piggery at the State Prison.

House Joint Resolution No. 75, Joint resolution in favor of the town of Hooksett.

House Bill No. 64, An act providing for the remodeling of the old main building at the State Industrial School.

House Bill No. 236, An act providing for improvements at the State Sanatorium.

House Bill No. 275, An act relating to workmen's compensation.

House Bill No. 300, An act to make uniform the law with reference to trust receipts and pledges of personal property unaccompanied by possession in the pledgee.

House Bill No. 392, An act authorizing agricultural co-operative associations to generate, transmit, and distribute electric energy and to conduct other services in connection therewith.

On motion of Senator Cole the Senate adjourned.

WEDNESDAY, JUNE 14, 1939.

The Senate met according to adjournment.

### House Message

The following message was received from the House of Representatives by its Clerk:

*Mr. President:*

The House of Representatives has passed the following entitled bills in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 351, An act permitting trustee process to be served on the state in personal actions against state officials or employees.

House Bill No. 422, An act to repeal charters of certain corporations.

House Bill No. 431, An act relative to bonds of wholesaler and manufacturer permittees for the sale of certain alcoholic beverages.

House Bill No. 433, An act relating to the New Hampshire Water Resources Board.

House Bill No. 436, An act relating to the acquisition of certain land in the town of Moultonborough.

House Bill No. 437, An act relative to examination for the practice of optometry.

House Bill No. 231, An act relating to salaries of clerks of municipal courts.

The message further stated that the House of Representatives has refused to concur with the Honorable Senate in its amendments to the following entitled bills and asks for a Committee of Conference:

House Bill No. 358, An act creating a State Aeronautics Commission.

The Speaker has appointed as members of the committee on the part of the House of Representatives, Messrs. Etsler of Claremont, Seavey of Rochester and Osborne of Sunapee.

On motion of Senator Estabrook, the Senate voted to accede to the request of the House of Representatives for a Committee of Conference on the above entitled bill, and the President appointed as members on the part of the Senate, Senators Weston and Estabrook.

House Bill No. 327, An act establishing a commission for the purpose of studying the possibilities of protecting individuals unemployed because of sickness.

The Speaker has appointed as members of the committee on the part of the House of Representatives, Messrs. Winslow of Chesterfield, Baker of Concord and Duncan of Jaffrey.

On motion of Senator Chesley the Senate voted to accede to the request of the House of Representatives for a Committee of Conference on the above entitled bill and the President appointed as members on the part of the Senate, Senators Chesley and Mitchell.

The message further stated that the House of Representatives has voted to concur with the Honorable Senate in its amendments to the following entitled joint resolution:

House Joint Resolution No. 67 (new draft), Joint resolution in favor of Clyde Hudson and others.

The message further stated that the House of Representatives has voted to adopt the reports of the Committee of Conference on House Joint Resolution No. 73, Joint resolution providing special emergency appropriations for forest fire protection.

House Bill No. 356, An act relating to the State House, State House Annex, State Library and the Hannah Dustin Monument.

### **Read and Referred**

The following entitled bills sent up from the House of Representatives were read a first and second time and referred,

To the Committee on Revision of Laws,

House Bill No. 351, An act permitting trustee process to be served on the state in personal actions against state officials or employees.

House Bill No. 231, An act relating to salaries of clerks of municipal courts.

House Bill No. 437, An act relative to examination for the practice of optometry.

House Bill No. 422, An act to repeal charters of certain corporations.

To the Committee on Judiciary,

House Bill No. 433, An act relating to the New Hampshire Water Resources Board.

To the Committee on Finance,

House Bill No. 436, An act relating to the acquisition of certain land in the town of Moultonborough.

To the Committee on Liquor Laws,

House Bill No. 431, An act relative to bonds of wholesaler and manufacturer permittees for the sale of certain alcoholic beverages.

### Committee Reports

Senator Avery, for the Committee on Revision of Laws, to whom was referred,

House Bill No. 354, An act in amendment of the charter of the city of Keene.

Having considered the same, reported the same with the following amendments and recommended that the bill as amended ought to pass.

Amend section 4 by striking out the word, "choose" in line one and inserting in place thereof the word, elect. Further amend said section by striking out the word, "four" in line three and inserting in place thereof the word, two, so that said section as amended shall read as follows: 4. The voters of the city of Keene shall elect at the biennial meeting of November 1941 by plurality vote, a mayor for a term of two years, and two councilmen from each ward. That

candidate for councilman who shall receive the greatest number of votes in his ward shall hold his office for the term of four years from the first Tuesday of January next thereafter and until his successor is elected and qualified. The candidate for councilman who shall receive the next greatest number of votes in his ward shall hold his office for the term of two years from the first Tuesday of January next thereafter and until his successor is elected and qualified. In case of a tie vote in any ward for the two candidates who receive the greatest number of votes, the city clerk shall determine by lot who shall be councilman for four, and who shall be councilman for two years. Thereafter one councilman shall be elected in each ward at each biennial election for a term of four years as provided in section 2.

Amend section 5 by striking out in lines, three, four and five the words, "They shall determine the salaries of the mayor, councilman, and other city officers. The salary of the mayor and councilmen," and inserting in place thereof the following: The first city council elected under the provisions of this act shall determine the salary of the mayor, but not to exceed \$1200 per year, salaries of the councilmen not to exceed \$100 per year each, and the salaries of other city officers. Thereafter the salary of the mayor and councilmen, within the aforementioned limits, so that said section as amended shall read as follows: 5. The City Council shall have the powers vested in like city bodies by statute and may make rules and ordinances pertaining to the city which are not inconsistent therewith. The first city council elected under the provisions of this act shall determine the salary of the mayor, but not to exceed \$1200 per year, salaries of the councilmen, not to exceed \$100 per year each, and the salaries of other city officers. Thereafter the salary of the mayor and councilmen, within the aforementioned limits,



may be increased or decreased by the affirmative vote of seven members of the city council taken at a regular meeting, notice of such proposed increase or decrease having been given at a regular meeting at least thirty days previously. The salaries of the mayor and councilmen shall not be increased during their term of office.

Further amend said bill by striking out section 11 and by renumbering section 12 to read section 11.

The report was accepted, and on a *viva voce* vote the amendments were adopted.

Senator Spaulding offered the following amendment.

Amend House Bill No. 354, by adding after section 10 the following new section:

11. *Officers Not to Deal With City.* No councilman or other municipal officer shall, during his term of office, sell to or buy from the city any equipment or merchandise otherwise than by open, competitive public bid. Neither the city council nor any member or committee thereof shall directly or indirectly take part in the employment of labor, the making of contracts, the purchase of materials or supplies, the construction, alteration or repair of any public works, buildings or other property, or the care, custody or management of the same, or in the conduct of any of the executive or administrative business of the city, or in the expenditure of public money, except such as may be necessary for the contingent and incidental expenses of the city council or in the appointment or removal of any officers or employees, except as herein otherwise provided.

(Discussion ensued)

The question being on the adoption of the amendment.

Senator Spaulding requested a division.

Eight Senators having voted in the affirmative and thirteen in the negative, the negative prevailed and the motion to adopt the amendment was lost.

The bill was then ordered to a third reading this afternoon at two o'clock.

On motion of Senator Dale the rules were suspended and the bill was read a third time and passed at the present time.

### Introduction of Bill

Senator Mahoney, for the Committee on Rules, introduced the following entitled bill which was read a first and second time, laid upon the table to be printed and referred to the Committee on Judiciary.

Senate Bill No. 73, An act relative to the retirement system for firemen.

On motion of Senator Brouillette, the rules were suspended, printing and reference to committee dispensed with and the foregoing bill was ordered to a third reading and passed at the present time.

### Committee Reports

Senator Brouillette, for the Committee on Coastwise Improvements, to whom was referred,

House Joint Resolution No. 30, Joint resolution relating to a state pier.

Having considered the same, reported the same with the following amendment and recommended that the bill as amended ought to pass.

Amend said resolution by striking out the entire resolution and inserting in place thereof the following:

That the Governor, with the consent of the Council, be authorized to appoint a committee of seven persons to serve without pay, to investigate the expediency, feasibility, and practicability of a State pier at Portsmouth, and the expense for construction of the same,

and said committee shall make its report to the next session of legislature.

The report was accepted, amendment adopted and the joint resolution ordered to a third reading this afternoon at two o'clock.

On motion of Senator Dale, the rules were suspended, and the joint resolution was read a third time and passed at the present time.

Senator O'Malley, for the Committee on Finance, to whom was referred,

Senate Bill No. 198, An act to provide for a revision of the public laws.

Having considered the same, reported the same with the following amendment and recommended that the bill as amended ought to pass.

Amend the bill by striking out all after the enacting clause and substituting therefor the following:

1. The Governor, with the advice and consent of the Council, shall, as soon as may be, appoint a commission consisting of two persons learned in the law, whose duty it shall be to revise, codify and amend the public laws of this state now in force, including those of the present session and the constitutional amendment adopted following the last Constitutional Convention, and arrange the same, as far as they deem wise, according to the form and order of the public laws, and prepare the same for publication before and make a report to the next session of the Legislature in January 1941. In the case of the death or inability of a person to serve pursuant to said appointment, the Governor, with the advice and consent of the Council, shall have authority to fill such vacancy.

2. The commissioners shall be reimbursed for their reasonable expenses, including stenographic service, and they shall receive in addition such compensation as the Governor and Council shall determine. The

commission is authorized to purchase necessary supplies and, with the approval of the Governor and Council, to contract for the printing and binding of its report. In any contract for the printing and binding of the report, provision shall be made for the preservation of the forms from which the report is printed so that the same may be available for the reprint of such portions of such report as may be adopted by the legislature. In the event the commission is unable to secure satisfactory terms for the printing and binding of said report, the same shall be submitted for bids.

3. For carrying out the purposes of this act the sum of ten thousand dollars, or so much thereof as may be necessary, is hereby appropriated for the fiscal year beginning July 1, 1939 and the sum of five thousand dollars, or so much thereof as may be necessary, is hereby appropriated for the fiscal year beginning July 1, 1940, and any sum not expended in the first fiscal year may be added to the appropriation for the succeeding fiscal year.

4. This act shall take effect upon its passage.

The report was accepted, amendment adopted and the bill ordered to a third reading this afternoon at two o'clock.

On motion of Senator Butler, the rules were suspended, and the foregoing entitled bill was read a third time and passed at the present time.

Senator O'Malley, for the Committee on Finance, to whom was referred,

House Joint Resolution No. 74, Joint resolution in favor of William Kaskonas.

Having considered the same, reported the same without amendment and recommended its passage.

The report was accepted, recommendation of the committee adopted and the joint resolution ordered to a third reading this afternoon at two o'clock.

On motion of Senator Avery, the rules were suspended, and the joint resolution was read a third time and passed at the present time.

Senator Munroe, for the Committee on Fisheries and Game, to whom was referred,

House Bill No. 429, An act relating to fishing in Ferrin Pond in Weare.

Having considered the same, reported the same without amendment and recommended its passage.

The report was accepted, recommendation of the committee adopted and the bill ordered to a third reading this afternoon at two o'clock.

#### Introduction of Committee Report

On motion of Senator Page, the rules were suspended to introduce a committee report not previously advertised in the Journal.

Senator Page, for the Committee on Ways and Means, to whom was referred,

House Bill No. 95, An act to establish a new apportionment for the assessment of public taxes.

Having considered the same, reported the same without amendment and recommended its passage.

The report was accepted, recommendation of the committee adopted, and the bill ordered to a third reading this afternoon at two o'clock.

#### Communication from the Supreme Court

*To the Honorable Senate:*

As members of the Supreme Court we have received your resolution of May 2 calling for our opinion whether the provisions of Senate Bill No. 63 offend the State Constitution.

As the resolution states that the opinion is sought "for the use of the 1941 session of the General Court", it is our duty to decline to express our opinion. As is said in *Opinion of the Justices*, 84 N. H. 584, 585, "The question must be pending and awaiting action in the body propounding the inquiry". The position there taken was supported by cited precedents and has been subsequently observed in *Opinion of the Justices*, 86 N. H. 607.

JOHN E. ALLEN,  
THOMAS L. MARBLE,  
OLIVER W. BRANCH,  
PETER WOODBURY,  
ELWIN L. PAGE.

June 8, 1939.

### Committee Reports

Senator Lazure, for the Committee on Engrossed Bills, to whom was referred,

House Bill No. 236, An act providing for improvements at the State Sanatorium.

Having considered the same, reported the same under Joint Rule No. 6, with the following amendment and recommended that the bill as amended ought to pass.

Amend section 6 of said bill by striking out the word "ninety" in the fifth line and inserting in place thereof the word, sixty.

The report was accepted, amendment adopted and the bill as amended sent to the House of Representatives for concurrence in the Senate amendment.

### House Message

Th following message was received from the House of Representatives by its Clerk:



*Mr. President:*

The House of Representatives has passed the following entitled bills in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 435, An act to provide for reimbursement on account of loss to towns and cities for loss in tax valuation incidental to flood control projects.

House Bill No. 439, An act relative to the powers of the city councils of the city of Dover.

### Read and Referred

The following entitled bills sent up from the House of Representatives were read a first and second time and referred,

To the Committees on Judiciary and Finance,

House Bill No. 439, An act relative to the powers of the city councils of the city of Dover.

Senator Dale moved that the rules be suspended, reference to committee dispensed with and the foregoing entitled bill read a third time and passed.

(Discussion ensued)

The question being on suspension of the rules.

The Chair being in doubt, a division was called for.

Nine Senators having voted in the affirmative and thirteen Senators having voted in the negative, the motion to suspend the rules was lost and the bill was referred to the Committee on Judiciary,

House Bill No. 435, An act to provide for reimbursement on account of loss to towns and cities for loss in tax valuation incidental to flood control projects.

The President declared a recess until 1:45 P. M.

### Recess

The Senate re-assembled.

### House Message

The following message was received from the House of Representatives by its Clerk:

*Mr. President:*

The House of Representatives has passed the following entitled bills in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 440, An act relating to the department of State Police.

House Bill No. 441, An act relative to trucks used for timber salvage.

The message further stated that the House of Representatives has voted to concur with the Honorable Senate in the passage of the following entitled bills sent down from the Honorable Senate:

Senate Bill No. 71, An act relative to conservation officers of the Fish and Game Department.

Senate Bill No. 73, An act relating to the retirement system for firemen.

The message further stated that the House of Representatives has refused to concur with the Honorable Senate in the passage of the following joint resolution and asks for a Committee of Conference.

House Joint Resolution No. 30, Joint resolution relating to a state pier.

The Speaker has appointed as members of the committee on the part of the House of Representatives, Messrs. Pennell of Exeter, Baker of Concord and Batchelder of Keene.

On motion of Senator Chesley the Senate voted to accede to the request of the House of Representatives for a Committee of Conference and the President appointed on part of the Senate, Senators Chesley and Dale.

### Read and Referred

The following entitled bills sent up from the House of Representatives were read a first and second time and referred,

To the Committee on Revision of Laws,

House Bill No. 441, An act relative to trucks used for timber salvage.

On motion of Senator Dale, the rules were suspended, reference to committee dispensed with and the forgoing bill was read a third time and passed at the present time.

To the Committee on Revision of Laws,

House Bill No. 440, An act relating to the department of State Police.

### Committee of Conference Report

The Committee of Conference, to whom was referred House Bill No. 327, An act establishing a commission for the purpose of studying the possibilities of protecting individuals unemployed because of sickness or ill health, recommended that the Senate recede from its position in adopting its amendment, that the House recede from its position of non-concurrence and that the following amendment be adopted:

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1. *Commission Established.* There is hereby created the commission on disability benefits, hereinafter referred to as the commission, consisting of three appointive members and the labor commissioner, who shall act as chairman, and the administrator of the unemployment compensation division, who shall act as secretary, *ex officio*. The appointive members of the commission shall be appointed by the governor with the advice and consent of the council for a term of two

years each or until the report required under section 3 has been filed. Vacancies in the commission shall be filled in the same manner as original appointments. The members of the commission shall serve without compensation but the appointive members shall be allowed actual expenses incurred in the course of their duties as such commissioners.

Amend section 5 of said bill by striking out the same and inserting in place thereof the following:

5. *Appointment of Personnel.* The chairman of the commission, with the advice and consent of the commission, is hereby authorized to appoint and fix the compensation of such assistants as may be necessary to carry out the purposes of this act.

Amend section 7 of said bill by striking out the same and inserting in place thereof the following:

7. *Appropriation.* There is hereby appropriated for the purposes of this act the sum of two thousand five hundred dollars. The commission shall have no authority or power to incur debts or contract any liabilities in the name of the state over and above the amount of the appropriation made herein. The governor is hereby authorized to draw his warrant for the sum herein appropriated out of any money in the treasury not otherwise appropriated.

T. JEWETT CHESLEY,  
LESTER E. MITCHELL,  
*Senate Conferees.*

E. J. WINSLOW,  
ALBERT S. BAKER,  
GEORGE H. DUNCAN,  
*House Conferees.*

On a *viva voce* vote the report was adopted.

### Introduction of Committee Report

On motion of Senator Lazure, the rules were suspended to introduce a committee report not previously advertised in the Journal.

Senator Lazure for the Committee on Judiciary, to whom was referred,

House Bill No. 433, An act relating to the New Hampshire Water Resources Board.

Having considered the same, reported the same without amendment and recommended its passage.

The report was accepted, recommendation of the committee adopted and the bill ordered to a third reading this afternoon at two o'clock.

On motion of Senator Marcoux, the rules were suspended and all business in order for this afternoon at two o'clock was made in order at the present time.

### Third Readings

The following entitled bills were read a third time and passed.

House Bill No. 95, An act to establish a new apportionment for the assessment of public taxes.

House Bill No. 428, An act relating to fishing in Ferrin pond in Weare.

House Bill No. 433, An act relating to the New Hampshire Water Resources Board.

On motion of Senator Munroe the Senate adjourned.

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THURSDAY, JUNE 15, 1939.

The Senate met according to adjournment.

### House Message

The following message was received from the House of Representatives by its Clerk:

*Mr. President:*

The House of Representatives has passed the following entitled bill, in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 338, An act for improvements at the state prison.

The message further stated that the House of Representatives concurs with the Honorable Senate in the passage of the following entitled bill with amendments, in the passage of which amendments the House of Representatives asks the concurrence of the Honorable Senate:

Senate Bill No. 72, An act relative to the inspection of motor vehicles.

Amend the title of the bill by striking out the entire title and inserting in place thereof the following: An act relative to the inspection of motor vehicles.

On motion of Senator Estabrook the Senate voted to concur in the amendment sent up from the House of Representatives.

The message further stated that the House of Representatives has voted to concur with the Honorable Senate in its amendments to the following entitled bills and joint resolutions:

House Bill No. 64, An act providing for the remodeling of the old main building at the state industrial school.

House Bill No. 392, An act authorizing agricultural co-operative associations to generate, transmit and distribute electric energy and to conduct other services in connection therewith.

House Joint Resolution No. 13, Joint resolution in favor of James F. Donahue and George C. Hamlin.

House Joint Resolution No. 28, Joint resolution in favor of Harry S. Taylor.



House Joint Resolution No. 61, Joint resolution in favor of Fred D. Parsons.

House Joint Resolution No. 74, Joint resolution in favor of William Kaskonas.

House Joint Resolution No. 75, Joint resolution in favor of the town of Hooksett.

The message further stated that the House of Representatives has voted to concur with the Honorable Senate in its adoption of the amendments offered by the Committee on Engrossed Bills to the following entitled bills and joint resolutions:

House Bill No. 117, An act relating to the diseases of domestic animals.

House Bill No. 236, An act providing for improvements at the state sanatorium.

House Bill No. 282, An act relating to investments of life insurance companies.

House Bill No. 404, An act relative to the operation of motor vehicles of non-residents on the highways of this state.

Senate Bill No. 53, An act relative to Sunday work for employees engaged in the work of communications.

The message further stated that the House of Representatives has voted to adopt the report of the Committee of Conference on House Bill No. 327, An act establishing a commission for the purpose of studying the possibilities of protecting individuals unemployed because of sickness or ill health.

The message further stated that the House of Representatives has refused to concur with the Honorable Senate in its amendments to the following house bill and asks for a Committee of Conference:

House Bill No. 198, An act to provide for a Revision of the Public Laws.

And the Speaker appointed as members of such committee on the part of the House, Messrs. Etsler of Claremont, Rice of Rindge and Osborne of Concord.

On motion of Senator Butler the Senate voted to accede to the request of the House of Representatives for a Committee of Conference, and the President has appointed as members of such committee on the part of the Senate, Senators Avery and Bryant.

### **Read and Referred**

The following entitled bill sent up from the House of Representatives was read a first and second time and referred to a Joint Committee on State Prison and Industrial School, and Finance:

House Bill No. 338, An act for improvements at the state prison.

### **Committee Reports**

Senator O'Malley, for the Joint Committee on Claims and Finance, to whom was referred,

House Joint Resolution No. 24, Joint resolution in favor of H. W. Hillier of Lancaster.

Having considered the same, reported the same without amendment and recommended its passage.

The report was accepted, recommendation of the committee adopted and the joint resolution ordered to a third reading this afternoon at two o'clock.

Senator O'Malley, for the Committee on Finance, to whom was referred,

House Bill No. 379, An act providing for a division of municipal accounting within the State Tax Commission.

Having considered the same, reported the same without amendment and recommended its passage.

The report was accepted, recommendation of the committee adopted and the bill ordered to a third reading this afternoon at two o'clock.

On motion of Senator Butler the rules were suspended and the foregoing bill was read a third time and passed at the present time.

Senator O'Malley, for the Committee on Finance, to whom were referred,

House Bill No. 393, An act providing for the reconstruction of a toll bridge at Hampton Habor.

House Bill No. 430, An act providing funds for improvements in the State House.

House Bill No. 432, An act providing a deficiency appropriation for certain State departments.

House Bill No. 436, An act relating to the acquisition of certain land in the town of Moultonborough.

Having considered the same, reported the same without amendment and recommended their passage.

The reports were accepted, recommendations of the committee adopted and the bills ordered to a third reading this afternoon at two o'clock.

Senator O'Malley, for the Joint Committee on Coastwise Improvements and Finance, to whom was referred,

House Bill No. 376, An act providing for improvements at Rye harbor.

Having considered the same, reported the same without amendment and recommended its passage.

The report was accepted, recommendation of the committee adopted and the bill ordered to a third reading this afternoon at two o'clock.

Senator Lazure, for the Committee on Judiciary, to whom was referred,

House Bill No. 403, An act providing for the merger and consolidation of corporations.

Having considered the same, reported the same without amendment and recommended its passage.

The report was accepted, recommendation of the committee adopted and the bill ordered to a third reading this afternoon at two o'clock.

Senator Avery, for the Committee on Revision of Laws, to whom were referred,

House Bill No. 351, An act permitting trustee process to be served on the State in personal actions against state officials or employees.

House Bill No. 422, An act to repeal charters of certain corporations.

Having considered the same, reported the same without amendment and recommended their passage.

The reports were accepted, recommendations of the committee adopted and the bills ordered to a third reading this afternoon at two o'clock.

Senator Avery, for the Committee on Revision of Laws, to whom was referred,

Senate Bill No. 66, An act providing for the consolidation and merger of certain public utility corporations.

Having considered the same, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the recommendation of the committee adopted.

### Introduction of Committee Report

Senator Lazure, under a suspension of the rules, introduced a committee report not previously advertised in the Journal.

Senator Lazure, for the Joint Committee on Judiciary and Finance, to whom was referred,

House Bill No. 435, An act to provide for reimbursement on account of loss to towns and cities for loss in tax valuation incidental to flood control projects.

Having considered the same, reported the same without amendment and recommended its passage.

The report was accepted, recommendation of the committee adopted and the bill ordered to a third reading this afternoon at two o'clock.

On motion of Senator Dale the rules were suspended and the following entitled bills and joint resolution

were read a third time and passed at the present time.

House Joint Resolution No. 24, Joint resolution in favor of H. W. Hillier of Lancaster.

House Bill No. 393, An act providing for the reconstruction of a toll bridge at Hampton harbor.

House Bill No. 430, An act providing funds for improvements in the State House.

House Bill No. 432, An act providing a deficiency appropriation for certain State departments.

House Bill No. 436, An act relating to the acquisition of certain land in the town of Moultonborough.

House Bill No. 376, An act providing for improvements at Rye Harbor.

House Bill No. 403, An act providing for the merger and consolidation of corporations.

House Bill No. 351, An act permitting trustee process to be served on the State in personal actions against State officials or employees.

House Bill No. 422, An act to repeal charters of certain corporations.

House Bill No. 435, An act to provide for reimbursement on account of loss to towns and cities for loss in tax valuation incidental to flood control projects.

### Introduction of Bill

Senator Mitchell moved that the rules be suspended to introduce a bill.

The question being stated,

Shall the rules be suspended?

The Chair being in doubt, a division was requested.

Nineteen Senators having voted in the affirmative, the rules were suspended, and the following bill was introduced, laid upon the table to be printed and referred to the Committee on Finance.

Senate Bill No. 74, An act relating to the salary of the Labor Commissioner.

Senator Mitchell moved that the rules be suspended, printing and reference to committee dispensed with and the foregoing bill be read a third time and passed at the present time.

(Discussion ensued)

The Chair requested a division.

Twenty Senators having voted in the affirmative, the foregoing entitled bill was read a third time and passed at the present time.

### Committee of Conference Report

The Committee of Conference on House Bill No. 228, An act relating to the control of navigation at Hampton Harbor, the inlet, so called, and the Hampton River, recommended that the Senate recede from its position in adopting its amendment, that the House recede from its position of non-concurrence and that the following amendment be adopted:

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *Control of Navigation.* Amend chapter 152 of the Public Laws by inserting after section 12 the following new sub-section:

#### Hampton Harbor, Harbor Inlet and Hampton River

12-a. *Harbor-Master.* The New Hampshire Shore and Beach Preservation and Development Commission may annually choose a harbor-master whose duty it shall be to oversee Hampton harbor, the inlet thereto and Hampton river, to preserve and regulate navigation within said waters, to assign moorings, require the same to be kept in safe condition, to require the removal of vessels if necessity or an emergency arises, and to inquire into and prosecute all offenses under section 12-c hereof. For the purpose hereof said



harbor-master with the approval of the said commission may make such reasonable rules and regulations as he shall deem proper. Said harbor-master shall receive for his services such salary as the towns abutting on the harbor may determine.

12-b. *Definition.* The word "vessel" as used in this subsection shall include boats of all sizes propelled by sail, machinery or hand, scows, dredgers, shellfish, cars and craft of every kind.

12-c. *Penalty.* Whoever violates any of the rules and regulations of the harbor-master promulgated under the authority of section 12-a, or refuses or neglects to obey the lawful and reasonable orders of the harbor-master, or resists him in the execution of his duties, shall be fined not more than fifty dollars. All fines collected under the provisions of this section shall accrue toward payment of said harbor-master.

2. *Takes Effect.* This act shall take effect upon its passage.

A. RALPH ESTABROOK,  
HAROLD G. FAIRBANKS,  
*Conferees on the part of the Senate.*

WALTER O. PENNELL,  
CHARLES FRANCIS ADAMS,  
RUSSELL F. BATCHELOR,  
*Conferees on the part of the House.*

On a *viva voce* vote the Senate voted to adopt the report of the Committee of Conference.

### **Bills Engrossed**

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled bills and resolutions:

Senate Bill No. 53, An act relative to Sunday work for employees of telegraph and telephone offices.

Senate Bill No. 73, An act relating to the retirement system for firemen.

House Bill No. 64, An act providing for the remodeling of the old main building at the state industrial school.

House Bill No. 356, An act relating to the state house, state house annex, state library, Hannah Dustin monument, Franklin Pierce homestead and the Daniel Webster birthplace.

House Joint Resolution No. 28, Joint resolution in favor of Harry S. Taylor.

House Joint Resolution No. 61, Joint resolution in favor of Fred D. Parsons.

House Joint Resolution No. 63, Joint resolution making an appropriation for the construction and equipment of a piggery at the state prison.

House Joint Resolution No. 74, Joint resolution in favor of William Kaskonas.

House Joint Resolution No. 75, Joint resolution in favor of the town of Hooksett.

Senate Bill No. 68, An act to authorize the sale of property in Durham, New Hampshire, for the benefit of the University of New Hampshire.

Senate Bill No. 70, An act relating to the trial of capital cases.

House Bill No. 159, An act providing for the litigation of small claims.

House Bill No. 438, An act relating to the taxation of tobacco products.

The President declared a recess until 1:45 p. m.

### **Recess**

The Senate reassembled.

### House Message

The following message was received from the House of Representatives by its Clerk:

*Mr. President:*

The House of Representatives has passed the following entitled bill, in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 443, An act relating to the general funds of the state.

The message further stated that the House of Representatives voted to concur with the Honorable Senate in its amendments to the following entitled bill:

House Bill No. 354, An act in amendment of the charter of the city of Keene.

### Read and Referred

The following entitled bill sent up from the House of Representatives were read a first and second time and referred,

To the Committee on Finance.

House Bill No. 443, An act relating to the general funds of the state.

On motion of Senator Page, the rules were suspended, reference to committee dispensed with, and the bill ordered to a third reading at the present time.

### Committee of Conference Report

The Committee of Conference on House Bill No. 358, An act relating to the development of aeronautical facilities, report the same with the recommendation that the Senate recede from its position in adopting its amendments and that the House recede from its position of non-concurrence and that the following amendments be adopted:

Amend section 5 by striking out the whole of said section and inserting in its place the following:

5. *Compensation.* The Director shall serve without compensation but shall be reimbursed in a sum not to exceed fifteen hundred dollars for all traveling and other expenses incurred by him in the discharge of his official duties.

Amend section 52 by striking out the words, ten thousand, in line two and inserting in place thereof the words, fifteen hundred, so that said section as amended shall read as follows:

52. *Appropriation.* For the purpose of this act there is hereby appropriated the sum of fifteen hundred dollars annually and the governor is hereby authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

WILLIAM WESTON,

A. RALPH ESTABROOK,

*Conferees on the part of the Senate.*

RALPH F. SEAVEY,

L. L. OSBORNE,

C. B. ETSLER,

*Conferees on the part of the House.*

On motion of Senator Weston the report of the Committee of Conference was accepted.

### Committee Report

Senator Avery, for the Committee on Revision of Laws, to whom was referred House Hill No. 437, An act relative to examination for the practice of optometry, having considered the same, reported the same with the following amendment and recommended that the bill as amended ought to pass.

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1. *The Practice of Optometry.* Amend section 8 of chapter 207 of the Public Laws by inserting after the word "person" in the first line the words, who is

a citizen of the United States or a Canadian province in which like privileges are granted to citizens of the United States, or who has declared his intention of becoming a citizen of the United States and has taken out his first papers therefor, so that said section as amended shall read as follows: 8. *Examinations.* Any person, who is a citizen of the United States or a Canadian province in which like privileges are granted to citizens of the United States, or who has declared his intention of becoming a citizen of the United States and has taken out his first papers therefor, may appear before said board at any of its regular meetings and be examined with reference to his knowledge and skill in optometry.

The report was accepted, amendment adopted, and the bill as amended ordered to a third reading this afternoon at two o'clock.

On motion of Senator Dale the rules were suspended, and the bill was read a third time and passed at the present time.

### Introduction of Committee Reports

Senator Dale, under a suspension of the rules, introduced two committee reports not previously advertised in the Journal.

Senator Dale, for the Committee on Revision of Laws, to whom were referred,

House Bill No. 231, An act relating to salaries of clerks of municipal courts.

House Bill No. 440, An act relating to the department of state police.

Having considered the same, reported the same without amendment and recommended their passage.

The reports were accepted, recommendations of the committee adopted and the bills ordered to a third reading this afternoon at two o'clock.

Senator Brouillette, under a suspension of the rules,

introduced the following entitled committee report not previously advertised in the Journal.

Senator Brouillette, for the Joint Committee on State Prison and Finance, to whom was referred House Bill No. 338, An act for improvements at the state prison.

Having considered the same, reported the same without amendment and recommended its passage.

The report was accepted, recommendation of the committee adopted and the bill ordered to a third reading this afternoon at two o'clock.

On motion of Senator Brouillette the rules were suspended and the foregoing bill was read a third time and passed at the present time.

Senator Mahoney, under a suspension of the rules, introduced the following entitled committee report not previously advertised in the Journal.

Senator Mahoney, for the Committee on Liquor Laws, to whom was referred House Bill No. 431, An act relative to bonds of wholesaler and manufacturer permittees for the sale of certain alcoholic beverages.

Having considered the same, reported the same with the following amendment and recommended that the bill as amended ought to pass.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1. Amend chapter 99 of the Laws of 1933, by inserting after section 22, as inserted by section 4 chapter 134 of the Laws of 1939, the following section: 22-a. *Bond Required.* Each wholesaler or manufacturer holding a permit under the provisions hereof shall annually give to the State of New Hampshire a bond with sureties satisfactory to the commission in such penal sum as may be determined by the commission, but not exceeding ten thousand dollars, conditioned upon the payment of the fees required under the provisions of this chapter. The amounts due



under said bond shall be recoverable in an action of debt to be brought by the attorney general upon complaint of said commission. The commission may waive the giving of such bond if reports and payments are made at times which precede the statutory requirements and which are satisfactory to the commission.

2. *Takes Effect.* This act shall take effect July 1, 1939.

The report was accepted and amendment adopted.

Senator Brouillette offered the following amendment.

Amend the title of said bill by adding the words, and for a building for the state liquor commission so that said title shall read as follows:

An Act relative to bonds of wholesaler and manufacturer permittees for the sale of certain alcoholic beverages, and for a building for the state liquor commission.

Amend said bill by inserting after section 1 the following new section:

2. *Appropriation.* A sum not exceeding one hundred and twenty thousand dollars (\$120,000) or so much thereof as may be necessary is hereby appropriated for the purpose of constructing and equipping a building for the use of the state liquor commission for an office building and liquor warehouse, provided a grant is made by the federal government in connection therewith.

3. *Expenditure.* Said appropriation shall be expended by the state liquor commission in accordance with plans and specifications to be approved by the governor and council.

4. *Location; Use of Building.* Said building shall be located in the city of Concord on Bridge street on land acquired by the state by deed from Rubie J. Corser, dated October 5, 1935. If, at any time, there

shall be available in said building any space which in the opinion of the state liquor commission is not needed by said commission said space may be assigned by the governor and council to any other state department.

5. *Federal Assistance.* The governor and council are hereby authorized to cooperate with and enter into such agreements with the federal government, or any agency thereof, as they may deem advisable to secure federal funds for the purposes of this act. In case federal funds are made available for the purposes hereof and the appropriation made by section 1 thus becomes effective the federal funds secured shall not be in addition to the amount appropriated by the state but the total amount of state and federal funds expended for the purposes hereof shall not in any event exceed the sum of one hundred and twenty thousand dollars.

6. *State Funds.* From the net revenue derived from the sale of liquor in state stores, as provided by chapter 3 of the Laws of the special session of 1934, the state treasurer is hereby authorized to establish a special fund of not exceeding the sum of one hundred and twenty thousand dollars to provide the necessary funds to carry out the provisions of this act, provided a federal grant is made available for the purposes hereof. If said special fund is provided the governor is hereby authorized to draw his warrants from said fund for the purposes hereof.

Further amend said bill by renumbering section 2 to read section 3.

Chair ruled out of order.

Senator Brouillette appealed from the ruling.

A division was requested.

Nine Senators having voted in the affirmative and thirteen in the negative, the negative prevailed and the ruling of the Chair was not sustained.

The question being on the adoption of the amendments.

On a *viva voce* vote the affirmative prevailed, the amendments were adopted and the bill referred to the Committee on Finance under the rules.

Senator Brouillette moved that the rules be suspended, reference to committee dispensed with and the foregoing entitled bill be read a third time and passed at the present time.

(Discussion ensued)

The question being stated,  
Shall the rules be suspended?

The Chair being in doubt a division was requested.

Sixteen Senators having voted in the affirmative, and six Senators in the negative, the affirmative prevailed, the rules were suspended and the bill read a third time and passed.

### House Message

The following message was received from the House of Representatives by its Clerk:

*Mr. President:*

The House of Representatives has voted to concur with the Honorable Senate in its amendments to the following entitled bills:

House Bill No. 379, An act providing for municipal accounting within the State Tax Commission.

House Bill No. 354, An act in amendment of the charter of the city of Keene.

The message further stated that the House of Representatives has voted to adopt the report of the Committee of Conference on House Bill No. 228, An act relating to the control of navigation at Hampton Harbor, the inlet, so called, and the Hampton river.

The message further stated that the House of Representatives has voted to adopt the report of the Committee of Conference on House Bill No. 358, An act creating a State Aeronautics Commission.

The message further stated that the House of Representatives has passed the following entitled bill in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 442, An act relating to the bond issue of Belknap county.

The message further stated that the House of Representatives concurs with the Honorable Senate in the passage of the following joint resolutions, with amendments, in the passage of which amendments the House of Representatives asks the concurrence of the Honorable Senate:

Senate Joint Resolution No. 8, Joint resolution in favor of Charles Hashim.

Amend the joint resolution by striking out in the first line the words and figures "Seventeen hundred and fifty dollars (\$1,750)" and inserting in place thereof the words and figures one thousand dollars (\$1,000), so that said joint resolution as amended shall read as follows:

That the sum of one thousand dollars (\$1,000) be and hereby is allowed and paid to Charles Hashim of Derry to reimburse him for damages arising out of a condemnation proceeding instituted by the state board of health. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

On motion of Senator Cole the Senate voted to concur in the adoption of the amendment sent up by the House of Representatives.

### Read and Referred

The following entitled bill sent up from the House of Representatives was read a first and second time and referred,

To the Committee on Judiciary.

House Bill No. 442, An act relating to the bond issue of Belknap county.

On motion of Senator Page the rules were suspended and the foregoing entitled bill was read a third time and passed at the present time.

### Committee Report

Senator Dale, for the Committee on Revision of Laws, to whom was referred House Bill No. 59, An act relating to the practice of optometry,

Having considered the same, reported the same with the following amendment and recommended that the bill as amended ought to pass.

Amend section 1 of the bill by striking out the words "the practice of optometry" in the seventh line thereof, so that said section as amended will read:

1. Amend chapter 207 of the Public Laws by adding after section 30, the following section:

"31. *Rules and Regulations.* Said board may make and promulgate necessary rules and regulations governing the procedure of the board, the admission of applicants for examination for certificates of registration as optometrists, and for the enforcement of this chapter and the carrying out of the intent and purposes therein expressed."

The report was accepted, amendment adopted and the bill as amended ordered to a third reading this afternoon at two o'clock.

On motion of Senator Dale the rules were suspended and the following entitled bills were read a third time and passed at the present time.

House Bill No. 58, An act relating to the practice of optometry.

House Bill No. 440, An act relating to the Department of State Police.

House Bill No. 231, An act relating to salaries of clerks of municipal courts.

The President declared a recess until 4:30 p. m.

### **Recess**

The Senate re-assembled.

### **House Message**

The following message was received from the House of Representatives by its Clerk:

*Mr. President:*

The House of Representatives has passed the following entitled bill in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 444, An act relative to the powers of the fiscal agent of Coos county.

The message further stated that the House of Representatives has voted to adopt the amendments offered by the Committee on Engrossed Bills to the following house joint resolution in the adoption in which amendments the House of Representatives asks the concurrence of the Honorable Senate:

House Joint Resolution No. 67 (in new draft), Joint resolution in favor of Clyde Hudson.

Amend said resolution by striking out the words "dollars and forty cents" in the thirteenth line and inserting in place thereof the words, and forty dollars.



On motion of Senator Estabrook the Senate voted to concur in the adoption of the amendment sent up by the House of Representatives.

The message further stated that the House of Representatives has voted to adopt the amendments offered by the Committee on Engrossed Bills to the following senate bill in the adoption of which amendments the House of Representatives asks the concurrence of the Honorable Senate:

Senate Bill No. 71, An act relative to conservation officers of the Fish and Game Department.

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1. *Repeal.* Section 50 of chapter 201 of the Public Laws as inserted by chapter 169 of the Laws of 1939, relative to conservation officers of the fish and game department while doing a lobster patrol work is hereby repealed.

On motion of Senator Mitchell the Senate voted to concur in the adoption of the amendment sent up by the House of Representatives.

The message further stated that the House of Representatives has voted to concur with the Honorable Senate in its amendments to the following entitled bill:

House Bill No. 437, An act relative to examinations for the practice of optometry.

### Committee Reports

Senator Lazure, for the Committee on Engrossed Bills, to whom was referred House Bill No. 428, An act relating to fishing in Ferrin pond in Weare.

Having considered the same, reported the same under Joint Rule No. 6, with the following amendment and recommended that the bill as amended ought to pass.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *Ferrin pond in Weare.* Amend paragraph I of section 3 of chapter 201 of the Public Laws, as inserted by chapter 169, Laws of 1939, by striking out the words "Ferrin pond in Weare" so that said paragraph as amended shall read as follows: I. Back lake in Pittsburg, Gustin pond in Marlow, Halls ponds in Sandwich, Ledge pond in Madison, Little Dimond pond in Stewartstown, Lily pond in Gilford.

2. *Ice Fishing.* Amend paragraph I of section 29 of chapter 201 of the Public Laws, as inserted by chapter 169, Laws of 1939, by striking out the words "Ferrin pond in Weare" so that said paragraph as amended shall read as follows: I. Arlington Mills reservoir, Big Dan Hole pond in Ossipee and Tuftonboro, Dimond or Tom pond in Warner, Elbow pond in Woodstock, Gorham pond in Dunbarton, Forest lake in Winchester.

3. *Pickerel, Open Season.* Amend section 23 of chapter 201 of the Public Laws, as inserted by chapter 169, Laws of 1939, by inserting after paragraph VII the following new paragraph: VIII. Pickerel of any size and in any quantity may be taken and possessed from June first to January sixteenth in Ferrin pond in Weare.

4. *Takes Effect.* This act shall take effect upon its passage.

On motion of Senator Mitchell the report was accepted, amendment adopted and the bill sent to the House of Representatives for concurrence in the Senate amendment.

Senator Lazure, for the Committee on Engrossed Bills, to whom was referred Senate Bill No. 49, An act relating to Oliverian Brook in Benton and Warren

and Three Pond Brook in Rumney and the use of artificial flies for taking fish in certain waters.

Having considered the same, reported the same under Joint Rule No. 6, with the following amendments and recommended that the bill as amended ought to pass.

Amend the title of said bill by adding at the end thereof the words, and the use of artificial flies for taking fish in certain waters.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *Oliverian Brook.* Amend paragraph VI of section 30 of chapter 201 of the Public Laws, as inserted by chapter 169, Laws of 1939, by striking out said paragraph and inserting in place thereof the following: VI. All tributaries of Peabody river in Green's Grant except the West Branch and Nineteen-Mile brook.

2. *Three Pond Brook.* Amend paragraph IX of section 30 of chapter 201 of the Public Laws, as inserted by chapter 169, Laws of 1939, by striking out said paragraph and inserting in place thereof the following: IX. Trout brook, the inlet of Post pond in Lyme, up-stream from the pond for a distance of approximately two miles to the falls, all tributaries of Tunnel stream in Benton and their tributaries above the Parker House, Twitchell brook, flowing east into the Androscoggin river, West Branch watershed of the Ammonoosuc river, tributaries of Kilkenney, including the West Branch.

3. *Fly Fishing Only in Certain Waters.* Amend chapter 201 of the Public Laws, as inserted by chapter 169, Laws of 1939, by inserting after section 6 the following new section: 6-a. *Restriction.* In all waters

named in sections 5 and 6 hereof, where brook trout may be taken by artificial flies only, no fish of any kind may be taken except by the use of artificial flies during the open season therefor.

4. *Takes Effect.* This act shall take effect upon its passage.

On motion of Senator Mitchell, the report was accepted, amendment adopted and the bill sent to the House of Representatives for concurrence in the Senate amendment.

Senator Lazure, for the Committee on Engrossed Bills, to whom was referred,

House Bill No. 275 (in new draft), An act relating to workmen's compensation.

Having considered the same, reported the same under Joint Rule No. 6 with the following amendment and recommended that the bill as amended ought to pass.

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1. *Application of Act.* Amend section 1 of chapter 178 of the Public Laws, as amended by section 1, chapter 159, Laws of 1937, by striking out the following words, being the last paragraph in said section: "This chapter shall apply to workmen engaged in any of the foregoing employments within this state irrespective of the place where the contract of hiring was made, renewed or extended, and shall not apply to workmen outside of the state."

Amend section 2 of said bill by striking out the first two lines thereof and inserting in place thereof the following:

2. *Amount of Compensation for Death.* Amend paragraph I of section 19 of said chapter 178, as amended by section 1, chapter 131, Laws of 1931, by

striking out said paragraph and inserting in place thereof the following:

Amend section 3 of said bill by striking out the first three lines and inserting in place thereof the following:

3. *Compensation.* Amend section 21 of said chapter 178, as amended by chapter 153, Laws of 1933, by striking out the word "seven" and inserting in place thereof the word, eight, so that said section as amended shall read as follows:

Amend section 4 of said bill by striking out the first two lines and inserting in place thereof the following:

4. *Limitations.* Amend said chapter 178 by inserting after section 21 as hereinbefore amended the following new section:

Amend section 5 of said bill by striking out said section and inserting in place thereof the following:

5. *Application of Provisions.* Amend said chapter 178 by inserting after section 21-a, as hereinbefore inserted, the following new section: 21-b. *Computation.* The compensation paid under the provisions of section 21-a shall be in *lieu* of any and all compensation under any other provisions of this subdivision, except that if the total compensation to which the employee is entitled under the provisions of this subdivision, exclusive of said section 21-a, exceeds the compensation provided under said section 21-a said employee shall be entitled to such compensation in *lieu* of the compensation due under section 21-a.

Amend section 6 of said bill by striking out the first two lines and inserting in place thereof the following:

6. *Compensation Increased.* Amend section 24 of said chapter 178, as amended by section 1, chapter 135, Laws of 1937, by striking out the word "seven-

teen" and inserting in place thereof the word, eighteen, so that said section as amended shall read as follows:

Amend section 8 of said bill by striking out the same and inserting in place thereof the following:

8. *Repeal; Takes Effect.* All acts or parts of acts inconsistent with this act are hereby repealed and this act shall take effect July 1, 1939; provided that this act shall not effect the compensation for injuries resulting from accidents happening prior to July 1, 1939.

On motion of Senator Weston the report was accepted, amendments adopted and the bill sent to the House of Representatives for concurrence in the Senate amendments.

Senator Lazure, for the Committee on Engrossed Bills, to whom was referred House Bill No. 300, An act to make uniform the law with reference to trust receipts and pledges of personal property unaccompanied by possession in the pledgee,

Having considered the same, reported the same under Joint Rule No. 6, with the following amendments and recommended that the bill as amended ought to pass.

Amend section 1 of said bill by striking out the words "in the uniform negotiable instruments law and amendments thereto" and inserting in place thereof the words and figures, chapter 312 of the Public Laws.

Amend section 7 of said bill by inserting after the word "case" in the second line of the paragraph numbered II the words, of goods or documents; and of notice of the entruster's security interest to all persons, in the case.

Amend section 10 of said bill by inserting in paragraph (c) after the word "waived" the words, by the entruster by words or conduct; and knowledge.



Amend section 16 of said bill by striking out the words "notice, consent of other preliminaries or formalities of execution" in the third and fourth lines.

On motion of Senator Weston the report was accepted, amendments adopted, and the bill as amended sent to the House of Representatives for concurrence in the Senate amendments.

### **Bills Engrossed**

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled bills and joint resolution:

House Bill No. 95, An act to establish a new apportionment for the assessment of public taxes.

House Bill No. 117, An act relating to the diseases of domestic animals.

House Bill No. 236, An act providing for improvements at the state sanatorium.

House Bill No. 282, An act relating to investments of life insurance companies.

House Bill No. 350, An act relative to the registration of highway building equipment vehicles and equipment mounted on trucks.

House Bill No. 404, An act relative to the operation of motor vehicles of non-residents on the highways of this state.

House Joint Resolution No. 73, Joint resolution providing special emergency appropriations for forest fire protection.

House Bill No. 436, An act relating to the acquisition of certain land in the town of Moultonborough.

OLIVER MUNROE,

*For the Committee.*

President declared recess until 5:30 P. M.

### **Recess**

The Senate re-assembled.

### House Message

The following message was received from the House of Representatives by its Clerk:

*Mr. President:*

The House of Representatives has passed the following entitled joint resolution in the passage of which it asks the concurrence of the Honorable Senate:

House Joint Resolution No. 78, Joint resolution in favor of Guy S. Neal and others.

The message further stated that the House of Representatives has voted to concur with the Honorable Senate in its adoption of the amendments offered by the Committee on Engrossed Bills to the following entitled bills and joint resolutions:

House Bill No. 275, (new draft), An act relating to workmen's compensation.

House Bill No. 300, An act to make uniform the law with reference to trust receipts and pledges of personal property unaccompanied by possession in the pledgee.

House Bill No. 428, An act relating to fishing in Ferrin pond in Weare.

Senate Bill No. 49, An act relating to Oliverian brook in Benton and Warren and Three Pond brook in Rumney.

The message further stated that the House of Representatives has voted to concur with the Honorable Senate in the passage of the following joint resolution sent down from the Honorable Senate:

Senate Joint Resolution No. 4, Joint resolution in favor of Thomas J. Callahan.

### Read and Referred

The following entitled joint resolution sent up from

the House of Representatives was read a first and second time and referred,

To the Committee on Finance.

House Joint Resolution No. 78, Joint resolution in favor of Guy S. Neal and others.

On motion of Senator Smart the Senate adjourned.

### Afternoon

The Senate re-assembled.

On motion of Senator Smart the Senate adjourned.

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### FRIDAY, JUNE 16, 1939.

The Senate met according to adjournment.

The President addressed the Senate as follows:

1. On January 4th you honored me by electing me as your President, an honor which I greatly appreciate and have endeavored to fulfill to the best of my knowledge and ability, with fairness to each of the Senators regardless of political or other affiliations. Appreciating, however, that we are all human and all may make mistakes of judgment, but that an honest attempt is all that may be expected of us, I trust that I have been fairly successful in carrying out the above.

2. We come from different environments, have different backgrounds as to personality, occupations, and represent different types of constituents. In the last analysis, however, we are all New Hampshire citizens, and attempt to the best of our knowledge and ability to perform unselfishly and faithfully the trust placed in us by our constituents. It has pleased me greatly that during the session, although we have many times disagreed on issues, there has been no feeling of animosity after the issue was voted upon and settled.

3. I wish to thank each and all individual senators who, as committee chairmen, have whole-heartedly co-operated, not only with your President but with the other members of the Senate, to the end that prompt action has been taken on all of the legislation presented to the Senate. This has made possible a reduction in the length of this session from thirty-two weeks as in the session of 1937 to twenty-four weeks, and the reduction in the cost from \$323,301 in 1937 to an estimated cost of \$250,000 in 1939, making this session cost, the Senators only eight weeks' time, and the State \$73,301 less than the session of 1937. This of course is due not alone to the Senate, but to the other branches of the government which have whole-heartedly co-operated with us and to which goes equal credit for the length of the session. By co-operation I mean a true democratic co-operation where each man gives honest consideration to the issue and votes his own convictions, appreciating always that the majority should rule and that we could not always agree in support of the various issues.

4. We should not in the least either underrate or forget the part played in the smooth running of the legislature by the attachees, who have worked tirelessly to assist each and every Senator without regard to time or personal desires, and on behalf of the Senate I wish to extend our sincere thanks for their assistance.

5. We have arrived at the closing day of the session and are returning to our individual occupations, and may I hope that many of the Senators will continue their unselfish public activities. Some of you will be elected to the Council, some undoubtedly will return to the Senate. As so often happens some will be elected to the House of Representatives. The state

may unfortunately lose the services of others, but I am sure that each of us will return to our various walks of life with a deeper sense of duty to our State and Nation for the service which we have been privileged to render in the Senate of 1939, carrying with us the priceless heritage of lasting friendships which we will cherish through the years.

### Committee Reports

Senator Munroe, for the Committee on Fisheries and Game, to whom was referred House Bill No. 427, An act relating to fly fishing,

Having considered the same, reported the same without amendment and recommended its passage.

The report was accepted, and recommendation of the committee adopted.

Senator Mitchell offered the following amendments:

Amend the title by adding at the end thereof the following: and extending the time for the issuance of certain notes and bonds heretofore authorized. so that said title as amended shall read as follows:

An act relating to fly fishing and extending the time for the issuance of certain notes and bonds heretofore authorized.

Amend said bill by inserting after section 2 the following new section:

3. The time limit within which notes, short term notes and bonds may be issued under chapter 20 of the Laws of 1935, as amended, relative to a state board of welfare and relief, chapter 134 of the Laws of 1935, relative to the improvement of Rye harbor and chapter 143 of the Laws of 1935, relating to state building, is hereby extended to July 1, 1942. The authorization to issue notes, short term notes and bonds heretofore given under said chapters is hereby in every way ratified, confirmed and approved.

Further amend said bill by renumbering section 3, section 4.

(Discussion ensued)

Senator Mitchell requested a division.

Fourteen Senators having voted in the affirmative and six Senators having voted in the negative, the affirmative prevailed, the amendment was adopted, and the bill was ordered to a third reading this afternoon at two o'clock.

On motion of Senator Mitchell the rules were suspended and the above entitled bill was read a third time and passed.

Three members of the Committee on Judiciary, to whom was referred House Bill No. 439, An act relative to the powers of the city councils of the city of Dover.

Having considered the same, reported the same without amendment and recommended its passage.

DENIS F. MAHONEY,  
OLIVER H. MUNROE,  
WILLIAM M. COLE,

Three members of the Committee on Judiciary, to whom was referred House Bill No. 439, An act relative to the powers of the city councils of the city of Dover,

Having considered the same, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

WILLIAM WESTON,  
A. RALPH ESTABROOK,  
FRANK J. BRYANT,

Senator Chesley moved that the Senate accept the report of the committee recommending inexpedient to legislate.

(Discussion ensued)

The question being stated,



Shall the report inexpedient to legislate be accepted?

Senator Dale demanded a roll call.

The Clerk proceeded to call the roll.

The following named Senators voted in the affirmative: Senators Finley, Mitchell, Smart, Bryant, Page, Fairbanks, Butler, Spaulding, Weston, Avery, Chesley, and Estabrook.

The following named Senators voted in the negative: Senators Lazure, Munroe, James, Noel, Bond, Mahoney, Brouillette, Marcoux, Cole and Dale.

Twelve Senators having voted in the affirmative and ten in the negative, the affirmative prevailed and the report inexpedient to legislate was accepted and recommendation of the members of the committee adopted.

### Majority and Minority Report

A majority of the Committee on Judiciary, to whom was referred House Bill No. 395, An act relative to the adoption of minors.

Having considered the same, reported the same with the following amendment and recommended that the bill as amended ought to pass.

Amend section 1 of the bill by inserting after the word "filed" in the eighth line of said section the words, at the request of the Judge of Probate; and by striking out in the twenty-fourth line of said section the words "not a party to the proceedings"; so that said section as amended will read:

1. *Procedure.* Amend chapter 292 of the Public Laws by inserting after section 1 the following new section: 1-a. *Investigation.* The Register of Probate shall send to the Department of Public Welfare a copy of every petition for adoption of a minor filed in Probate Court within seven (7) days after it is

filed, at the request of the Judge of Probate. Said department shall make or cause to be made an investigation to determine the condition and antecedents of the child for the purpose of ascertaining whether he is a proper subject for adoption and to determine whether the petitioners and their home are suitable for the proper rearing of the child, due regard being given the race and religion of the child and the petitioners. Said department shall submit to the court, not later than sixty (60) days after the receipt of said petition, such report as will give the court full knowledge as to the desirability of the proposed adoption. Such reports shall be impounded and shall not be examined by any person without an order from the court.

Amend section 2 of the bill by striking out the words "Department of Public Welfare" in the twenty-first line of said section, and inserting in place thereof the words, Judge of Probate; so that said section as amended will read:

2. *Amendment.* Amend section 2 of said chapter 292 by striking out said section and inserting in place thereof the following: 2. *Consent.* Except as otherwise provided as to abandoned or neglected children, the child, if of the age of fourteen or upward, and his parents, or the survivor of them, shall consent in writing to the adoption; in case of an illegitimate child, the consent of the mother alone or when said mother is under eighteen years of age, if the court shall so order, the consent of the mother and her parents or the survivor of them, and in case of abandonment on the part of either parent or of the insanity of either parent, the consent of the remaining parent, shall be sufficient. If neither parent is living,

the guardian of the child, or if there is no guardian, the next of kin in this state, may give consent; if there is no such kin, the Judge of Probate or some duly authorized agent thereof, shall act in the proceedings as next friend of the child and give or withhold consent.

Amend section 4 of the bill by striking out the whole of said section and substituting in place thereof the following:

4. *Decree; Waiting Period.* If the requirements of the preceding sections have been complied with, and the judge is satisfied of the identity and relationship of the parties, and that the petitioner is of sufficient ability to bring up and properly educate the child, and that it is fit and proper that the adoption should take effect, he shall make a decree setting forth the facts, and ordering that the child shall be the child of the petitioner to all legal intents and purposes.

If the child is under the age of fourteen the prayer of the petition shall not be granted until the child has resided in the home of the petitioners for a period of six months; and upon recommendation of the Department of Public Welfare the Judge of Probate may in his discretion delay the granting of the petition for a further period of not more than six months. During such time as the child shall so reside at the home of the petitioners, the department shall make such visits to the home and such reports as the judge shall request.

WILLIAM WESTON,  
WILLIAM M. COLE,  
OLIVER H. MUNROE,

*For a majority of the Committee.*

A minority of the Committee on Judiciary, to whom was referred House Bill No. 395, An act relative to the adoption of minors.

Having considered the same, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

DENIS F. MAHONEY,

A. RALPH ESTABROOK,

*For a minority of the Committee.*

One member of the committee being unable to agree with either the majority or minority presents the following minority report:

A minority of the Committee on Judiciary, to whom was referred House Bill No. 395, An act relative to the adoption of minors.

Having considered the same, reported the same with the recommendation that a Recess Commission be appointed by the President of the Senate to further study the bill and report to the 1941 Legislature and that the Commission consist of one Senator and the interested parties, to wit: The American Legion, The Department of Public Welfare, and the interested doctors and other parties.

ALBERT C. LAZURE,

*For a minority of the Committee.*

The report of the majority was accepted.

Senator Lazure moved that the minority report requesting a recess commission be substituted for the majority report ought to pass with amendment and the minority report inexpedient to legislate.

(Discussion ensued)

The question being stated,

Shall the minority report requesting a recess commission be substituted for the majority report ought

to pass with amendment and the minority report inexpedient to legislate?

Senator Munroe demanded a roll call.

The Clerk proceeded to call the roll.

The following named Senators voted in the affirmative: Senators Lazure, Noel, Bond, Mahoney, Brouillette, Marcoux and Dale.

The following named Senators voted in the negative: Senators Finley, Mitchell, Smart, Bryant, Page, Munroe, Fairbanks, Butler, Spaulding, Weston, James, Avery, Chesley, Cole and Estabrook.

Seven Senators having voted in the affirmative and fifteen in the negative the negative prevailed and the motion to substitute was lost.

Senator Mahoney moved to substitute the minority report inexpedient to legislate for the majority report ought to pass with amendment.

(Discussion ensued)

Senator Mitchell moved the previous question.

The question being on the substitution of the minority report for that of the majority.

Senator Munroe demanded a roll call.

The Clerk proceeded to call the roll.

The following named Senators voted in the affirmative: Senators Lazure, Mitchell, Smart, James, Noel, Bond, Mahoney, Brouillette, Marcoux and Dale.

The following named Senators voted in the negative: Senators Finley, Bryant, Page, Munroe, Fairbanks, Butler, Spaulding, Weston, Avery, Chesley and Blood.

Senator Cole was paired with Senator Estabrook, Senator Cole voting in the negative and Senator Estabrook voting in the affirmative.

Eleven Senators having voted in the affirmative and twelve in the negative, the motion to substitute was lost.

The question being stated,

Shall the recommendation of the majority of the committee, ought to pass with amendment, be adopted?

Senator Brouillette demanded a roll call.

The Clerk proceeded to call the roll.

The following named Senators voted in the affirmative: Finley, Bryant, Page, Mounroe, Fairbanks, Butler, Spaulding, Weston, Avery, Chesley and Blood.

The following named Senators voted in the negative: Senators Lazure, Mitchell, Smart, James, Noel, Bond, Mahoney, Brouillette, Marcoux and Dale.

Senator Cole was paired with Senator Estabrook, Senator Cole voting in the affirmative and Senator Estabrook in the negative.

Twelve Senators having voted in the affirmative and eleven in the negative, the affirmative prevailed and the bill as amended was ordered to a third reading this afternoon at two o'clock.

Senator Weston moved that the rules be suspended, and the bill be placed on its third reading and final passage at the present time.

Senator Dale requested a division.

Twelve Senators having voted in the affirmative and nine Senators having voted in the negative, two-thirds being necessary to suspend the rules, the motion to suspend was lost, and the bill was ordered to a third reading this afternoon at two o'clock.

### Introduction of Committee Report

Senator Butler, under a suspension of the rules, introduced a committee report not previously advertised in the Journal.

Senator Butler, for the Committee on Finance, to whom was referred House Joint Resolution No. 78, Joint resolution in favor of Guy S. Neal and others,



Having considered the same, reported the same without amendment and recommended its passage.

The report was accepted, recommendation of the committee adopted and the bill ordered to a third reading this afternoon at two o'clock.

On motion of Senator Butler, the rules were suspended, and the bill ordered to a third reading at the present time.

### Committee of Conference Report

The Committee of Conference, to whom was referred House Bill No. 198, An act to provide for a revision of the Public Laws, having considered the same, reported the same with the recommendation that the House recede from its position of non-concurrence and concur with the amendment sent down by the Honorable Senate.

CLARENCE J. AVERY,  
FRANK J. BRYANT,

*Conferees on the part of the Senate.*

HARRIS H. RICE,  
L. L. OSBORNE,  
C. B. ETSLER,

*Conferees on the part of the House.*

On a *viva voce* vote the Senate voted to adopt the report of the Committee of Conference.

Senator Lazure, for the Committee on Engrossed Bills, to whom was referred House Bill No. 393, An act providing for the reconstruction of a toll bridge at Hampton harbor,

Having considered the same, reported the same under Joint Rule No. 6, with the following amendment and recommended that the bill as amended ought to pass.

Amend section 9 of the bill by striking out the words "out of such toll receipts" in the fifth line.

The report was accepted, amendment adopted, and the bill sent to the House of Representatives for concurrence in the Senate amendment.

Senator Lazure, for the Committee on Engrossed Bills, to whom was referred House Bill No. 432, An act providing a deficiency appropriation for certain state departments.

Having considered the same, reported the same under Joint Rule No. 6, with the following amendments, and the recommendation that the bill as amended ought to pass.

Amend section 1 of said bill by inserting after the word "departments" the words, and for certain items.

Further amend said section by inserting after the word "sums" the word hereby.

The report was accepted, recommendation of the committee adopted, and the bill ordered to a third reading this afternoon at two o'clock.

### House Message

The following message was received from the House of Representatives by its Clerk:

*Mr. President:*

The House of Representatives has passed the following concurrent resolution in the passage of which it asks the concurrence of the Honorable Senate:

### Concurrent Resolution

*Resolved*, That the state planning and development commission be directed to investigate the expediency, feasibility and practicability of a state pier at Portsmouth and the expense of constructing the same, and that the commission shall make its report to the next session of the Legislature.

On motion of Senator Chesley the Senate voted to concur with the House of Representatives in the adoption of the resolution.

The message further stated that the House of Representatives had voted to adopt the report of the Committee of Conference on House Bill No. 198, An act to provide for a revision of the Public Laws.

The message further stated that the House of Representatives has voted to adopt the amendments offered by the Committee on Engrossed Bills, to the following house bills, in the adoption of which amendments the House of Representatives asks the concurrence of the Honorable Senate:

House Bill No. 392, An act authorizing agricultural co-operative associations to generate, transmit and distribute electric energy and to conduct other services in connection therewith.

Amend the paragraph numbered 3-C in section 1 of said bill by striking out the word "sub-paragraph" and inserting the word, section.

On motion of Senator Spaulding the Senate voted to concur in the adoption of the amendment sent up by the House of Representatives.

House Bill No. 379, An act providing for a division of municipal accounting within the state tax commission.

Amend section 4 of the bill by striking out said section and inserting the following:

4. *Appropriation.* The sum of forty-five hundred (\$4,500) is hereby appropriated for the tax commission for each of the fiscal years ending June 30, 1940, and June 30, 1941, to carry out the provisions of this act. The sums hereby appropriated shall be in addition to the sums appropriated for municipal accounting in the so-called Budget Acts making appropriations for the state departments for said fiscal years.

On motion of Senator Noel the Senate voted to concur in the adoption of the amendment sent up by the House of Representatives.

The President declared a recess.

### Recess

The Senate re-assembled.

*Mr. President:*

The following message was received from the House of Representatives by its Clerk:

The House of Representatives has voted to concur with the Honorable Senate in its amendments to the following entitled bill:

House Bill No. 431, An act relative to bonds of wholesaler and manufacturer permittees for the sale of certain alcoholic beverages.

The message further stated that the House of Representatives has refused to concur with the Honorable Senate in the passage of the following entitled bill sent down from the Honorable Senate and asks for a Committee of Conference.

House Bill No. 59, An act relating to the practice of optometry.

The Speaker has appointed as members of such committee on the part of the House, Messrs. Barnard of Manchester, Etsler of Claremont and Shaw of Franklin.

On motion of Senator Avery the Senate voted to accede to the request of the House of Representatives for a Committee of Conference and the President appointed as members on the part of the Senate, Senators Avery and Munroe.

The message further stated that the House of Representatives has voted to concur with the Honorable Senate in the passage of the following entitled bills

and joint resolutions sent down from the Honorable Senate:

Senate Bill No. 15, An act relating to solicitors permits.

Senate Bill No. 44, An act relative to inspection of motor vehicles.

Senate Bill No. 46, An act changing the name of Keene and Plymouth Schools.

Senate Joint Resolution No. 3, Joint resolution concerning a national patriotic revival plan.

Senate Bill No. 23, An act relating to State Board of Health.

Senate Bill No. 24, An act establishing a board of fire commissioners for the city of Berlin.

Senate Bill No. 5, An act relative to conduct of candidates at primaries and elections and notification of candidates by the Secretary of State.

The message further stated that the House of Representatives has refused to concur with the Honorable Senate in the passage of the following entitled bills and joint resolutions sent down from the Honorable Senate:

Senate Bill No. 11, An act relative to the celebration of Fast Day.

Senate Bill No. 52, An act regulating the signs relating to the prices of motor fuel.

Senate Bill No. 64, An act establishing the State Development and Publicity Department.

Senate Bill No. 26, An act relative to the safety and health of persons engaged in building and road construction.

The message further stated that the House of Representatives has voted to concur with the Honorable Senate in the passage of the following entitled bills and joint resolutions sent down from the Honorable Senate:

House Bill No. 16, An act closing Robinson pond in the town of Hudson, to all fishing.

House Bill No. 35, An act relating to the charter of the city of Somersworth.

House Bill No. 44, An act relating to the open season for taking pickerel from Umbagog lake and Leonard pond.

House Bill No. 82, An act making sundry changes in the sale of securities law.

House Bill No. 115, An act relating to election of county officers.

House Bill No. 127, An act relating to taxation of foreign insurance companies.

House Bill No. 130, An act authorizing the town of Newmarket to issue refunding notes or bonds.

House Bill No. 162, An act to close lake Katherine in the town of Piermont, to all fishing.

House Bill No. 167, An act to close Zealand pond and part of Zealand river and certain of its tributaries to fishing.

House Bill No. 176, An act to close the South branch of Gale river to fishing.

House Bill No. 217, An act closing Elbow pond in Woodstock to ice fishing.

House Bill No. 232, An act providing for the incorporation of hospital service companies.

House Bill No. 248, An act relating to fishing in Big Brook, Pittsburg.

House Bill No. 249, An act to close Inlet Brook tributary to Back Lake in Pittsburg.

House Bill No. 250, An act relating to brook trout.

House Bill No. 252, An act relating to the salary of the Justice of the Municipal Court in Milford.

House Bill No. 258, An act to regulate the season for taking brook trout from Back lake in Pittsburg.



House Bill No. 269, An act relating to assignment of wage claims to Labor Commission for recover by civil action.

House Bill No. 314, An act in relation to timber salvage.

House Bill No. 326, An act relating to town appropriations.

House Bill No. 350, An act to amend and clarify the law relating to motor vehicles.

House Bill No. 354, An act in amendment of the charter of the city of Keene.

House Bill No. 378, An act relative to town appropriations for recreational purposes.

House Bill No. 380, An act relating to brook trout.

House Joint Resolution No. 26, Joint resolution for a memorial work commemorating the Sesquicentennial of the Federal Constitution.

House Joint Resolution No. 47, Joint resolution in favor of the N. H. Veterans Association.

The President declared a recess.

### **Recess**

The Senate re-assembled.

### **Introduction of Committee Report**

Senator Bond, under a suspension of the rules, introduced a committee report not previously advertised in the Journal.

Senator Bond, for the Joint Committee on State Hospital and Laconia State School, and Finance, to whom was referred House Bill No. 315, An act to provide for additional facilities at the state hospital,

Having considered the same, reported the same with the following amendment and recommended that the bill as amended ought to pass:

Amend the title of said bill by striking out the same and inserting in place thereof the following:

An Act relative to the state hospital and Laconia state school.

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1. *Appropriation.* For the purpose of additional facilities for the state hospital there is hereby appropriated the sum of one million dollars for such of the following items as the governor and council may approve : (a) to cover the cost to change the electric system from D. C. to A. C. current, including wiring, motors and equipment; (b) power plant equipment; (c) pump and elevator for the Thayer building; (d) new steam main for the Walker building; (e) exhaust heaters for the Walker and Tobey buildings; (f) vacuum system for the Kent building; (g) laundry equipment; (h) renovation of water mains and hydrants; (i) construction and equipment of a medical-surgical building or admission building; (j) the construction and equipment of one patients dormitory of one hundred beds to be located on land of the state hospital; (k) and the construction and equipment of one patients dormitory of one hundred beds to be located on land of the Laconia state school, the site of the latter dormitory to be chosen by the trustees of said school with the approval of the governor and council; said dormitory upon completion shall be under the jurisdiction and control of the trustees of said school; feeble-minded adults may with the approval of the trustees and superintendent of said school be transferred from the state hospital by the superintendent to said dormitories and other feeble-minded adults may, with the approval of the trustees and superintendent of said school, be committed thereto, as now by law permitted; (l) purchase of land, to be located not more than five miles from the present

hospital grounds in Concord; (m) for additions and extensions to the commissary department. The appropriation hereby made shall be expended by the trustees of the state hospital except the dormitory at the Laconia state school which shall be by the trustees of the state school, in accordance with plans and specifications to be approved by the governor and council.

The report was accepted, amendment adopted, and the bill ordered to a third reading this afternoon at two o'clock.

On motion of Senator Bond, the rules were suspended, and the bill was read a third time and passed at the present time.

On motion of Senator Bond, the Senate voted to reconsider the vote whereby the above entitled bill was passed.

On motion of the same Senator the Senate voted to reconsider the vote whereby the bill was ordered to a third reading.

The bill being on its second reading, and open to amendment, Senator Bond offered the following amendment and moved its adoption:

Amend the title of said bill by striking out the same and substituting in place thereof the following:

An act relative to the State Hospital and Laconia State school.

On a *viva voce* vote the amendment was adopted and the bill ordered to a third reading this afternoon at two o'clock.

On motion of Senator Bond, the rules were suspended, and the bill was read a third time and passed, and sent to the House of Representatives for concurrence in the Senate amendment.

### Bills Engrossed

The Committee on Engrossed Bills have examined

and found correctly engrossed the following entitled bills and joint resolutions:

Senate Bill No. 71, An act relating to conservation officers of the fish and game department.

Senate Bill No. 72, An act relative to the inspection of motor vehicles.

House Bill No. 351, An act permitting trustee process to be served on the state in personal actions against state officials or employees.

House Bill No. 403, An act providing for the merger and consolidation of corporations.

House Bill No. 433, An act relating to the New Hampshire water resources board.

House Bill No. 435, An act to provide for reimbursement on account of loss to towns and cities for loss in tax valuation incidental to flood control projects.

House Bill No. 442, An act relating to the bond issue of Belknap county.

House Joint Resolution No. 24, Joint resolution in favor of H. W. Hillier of Lancaster.

House Joint Resolution No. 67, Joint resolution in favor of Clyde Hudson.

Senate Bill No. 49, An act relating to Oliverian brook in Benton and Warren, and Three Pond brook in Rumney, and the use of artificial flies for taking fish in certain waters.

House Bill No. 275, An act relating to workmen's compensation.

House Bill No. 300, An act to make uniform the law with reference to trust receipts and pledges of personal property unaccompanied by possession in the pledgee.

House Bill No. 422, An act to repeal charters of certain corporations.

House Bill No. 428, An act relating to fishing in Ferrin pond in Weare.

House Bill No. 437, An act relative to examinations for the practice of optometry.

House Bill No. 440, An act relating to the department of state police.

House Bill No. 443, An act relating to the general funds of the state.

House Bill No. 338, An act for improvements at the state prison.

House Bill No. 379, An act providing for a division of municipal accounting within the state tax commission.

House Bill N. 392, An act authorizing agricultural co-operative associations to generate, transmit, and distribute electric energy and to conduct other services in connection therewith.

House Joint Resolution No. 78, Joint resolution in favor of Guy S. Neal and others.

ALBERT C. LAZURE,  
*For the Committee.*

The President declared a recess.

### Recess

The Senate re-assembled.

### House Message

The following message was received from the House of Representatives by its Clerk.

*Mr. President:*

The House of Representatives has refused to concur with the Honorable Senate in the passage of the following entitled bill sent down from the Honorable Senate and asks for a Committee of Conference:

House Bill No. 315, An act relative to the State Hospital.

The Speaker has appointed as members of such a committee, Messrs. Seavey of Rochester, Hoyt of Concord and Osborne of Sunapee.

On motion of Senator Bond, the Senate voted to accede to the request of the House of Representatives for a Committee of Conference, and the President ap-

pointed as members of such committee on the part of the Senate, Senators Bond and Page.

### Committee of Conference Report

The Committee of Conference, to whom was referred House Bill No. 59, An act relating to the practice of optometry, having considered the same, report the same with the recommendation that the House recede from its position of non-concurrence and adopt the amendments sent down by the Honorable Senate.

CLARENCE J. AVERY,  
OLIVER H. MUNROE,

*Conferees on the part of the Senate.*

CHARLES H. BARNARD,  
C. B. ETSLER,  
JAMES S. SHAW,

*Conferees on the part of the House.*

On a *viva voce* vote the Senate voted to accept the report of the Committee of Conference.

The President declared a recess.

### Recess

The Senate re-assembled.

### Committee Reports

Senator Lazure, for the Committee on Engrossed Bills, to whom was referred House Bill No. 376, An act providing for improvements at Rye Harbor.

Having considered the same, reported the same under Joint Rule No. 6 with the following amendments, and the recommendation that the bill as amended ought to pass.

Amend section 1 of said bill by striking out the words "developing and dredging" and inserting in place thereof the words, dredging and improvement of.



Amend section 5 of said bill by striking out the words "and forty" in the third line.

The report was accepted, recommendation of the committee adopted and the bill sent to the House of Representatives for concurrence in the Senate amendments.

Senator Lazure, for the Committee on Engrossed Bills, to whom was referred House Bill No. 231, An act relating to salaries of clerks of municipal courts.

Having considered the same, reported the same under Joint Rule No. 6 with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of said bill by inserting before the word "monthly" in the ninth line the word, equal.

The report was accepted, recommendation of the committee adopted and the bill sent to the House of Representatives for concurrence in the Senate amendment.

Senator Lazure, for the Committee on Engrossed Bills, to whom was referred House Bill No. 416, An act to protect the golden and bald eagle.

Having considered the same, reported the same under Joint Rule No. 6 with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following: . .

1. *Definition.* Amend the paragraph relative to unprotected birds in section 1, chapter 197, Public Laws, as inserted by section 1, chapter 124, Laws of 1935, by striking out said paragraph and inserting in place thereof the following: Unprotected Birds: English sparrows, European starlings, owls, crows and hawks except the golden and bald eagle and except

such birds as are protected by the laws of the federal government.

2. *Golden and Bald Eagle.* Amend chapter 199 of the Public Laws, as inserted by section 3, chapter 124, Laws of 1935, by inserting after section 6 the following new section: 6-a. *Prohibition.* No person shall hunt, capture, kill, take, or possess any golden or bald eagle and no person shall molest or disturb the nest or young of any of said birds. Any person who violates any of the provisions of this section shall be fined not more than fifty dollars.

The report was accepted, recommendation of the committee adopted and the bill sent to the House of Representatives for concurrence in the Senate amendment.

### House Message

The following message was received from the House of Representatives by its Clerk:

*Mr. President.*

The House of Representatives has voted to concur with the Honorable Senate in the passage of the following entitled bill sent down from the Honorable Senate:

Senate Bill No. 74, An act relating to salary of the Labor Commissioner.

The message further stated that the House of Representatives has voted to concur with the Honorable Senate in its adoption of the amendments offered by the Committee on Engrossed Bills to the following entitled bills:

House Bill No. 393, An act providing for the reconstruction of a toll bridge at Hampton Harbor.

House Bill No. 432, An act providing a deficiency appropriation for certain state departments.

The message further stated that the House of Representatives has voted to adopt the report of the Committee of Conference on the following entitled bill.

House Bill No. 59, An act relating to the practice of optometry.

The message further stated that the House of Representatives has voted to concur with the Honorable Senate in its adoption of the amendments offered by the Committee on Engrossed Bills to the following entitled bills:

House Bill No. 231, An act relating to salaries of clerks of municipal courts.

House Bill No. 376, An act providing for improvements at Rye Harbor.

House Bill No. 416, An act to protect the golden and bald eagle.

The message further stated that the House of Representatives has voted to adopt the amendments offered by the Committee on Engrossed Bills to the following senate joint resolution in the adoption of which amendments the House of Representatives asks the concurrence of the Honorable Senate:

Senate Joint Resolution No. 4, Joint resolution in favor of Thomas J. Callahan.

Amend said resolution by inserting after the word "department" in the thirteenth line the words, as workmen's compensation for said injuries.

On motion of Senator Chesley the Senate voted to concur in the adoption of the amendment sent up by the House of Representatives.

The message further stated that the House of Representatives has refused to concur with the Honorable Senate in its amendment to the following entitled bill:

House Bill No. 427, An act relating to fly fishing.

The message further stated that the House of Representatives has passed the following concurrent reso-

lution in the passage of which it asks the concurrence of the Honorable Senate:

### Concurrent Resolution

*Resolved*, By the House of Representatives, the Senate concurring, that a committee of ten be appointed to join with such committee as the Senate may designate to wait upon His Excellency the Governor and inform him that the Legislature has completed the business of the session and is ready to receive any communication he may be pleased to make, and the Speaker has appointed as members of such committee on the part of the House of Representatives, Mrs. Bowen of Exeter, and Messrs. Hayes of Barrington, Lord of Gilford, Banfield of Moultonboro, MacPhee of Andover, Woodbury of Manchester, Hanson of Gilsum, Hall of Langdon, Hoyt of Lebanon, and Styles of Dummer.

On motion of Senator Dale the Senate voted to concur and the President appointed as members of such committee on the part of the Senate, Senators Weston, Butler, Fairbanks, Mahoney and Marcoux.

### Bills Engrossed

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled bills and joint resolution:

Senate Bill No. 74, An act relating to salary of the labor commissioner.

House Bill No. 327, An act establishing a commission for the purpose of studying the possibilities of protecting individuals unemployed because of sickness or ill health.

House Bill No. 393, An act providing for the reconstruction of a toll bridge at Hampton Harbor.

House Bill No. 430, An act providing funds for improvements in the state house.

House Bill No. 432, An act providing a deficiency appropriation for certain state departments.

House Bill No. 441, An act relative to trucks used for timber salvage.

Senate Joint Resolution No. 8, Joint resolution in favor of Charles Hashim.

ALBERT C. LAZURE,  
*For the Committee.*

The President declared a recess.

### Recess

Senate re-assembled.

### Reconsideration

Senator Mitchell moved that the Senate reconsider the vote whereby the concurrent resolution relating to the State pier at Portsmouth was adopted.

(Discussion ensued)

Senator Mitchell requested a division.

Twelve Senators having voted in the affirmative and seven in the negative, the affirmative prevailed and the motion to reconsider was adopted.

Senator Mitchell moved that the Senate refuse to adopt the above concurrent resolution.

(Discussion ensued)

Senator Mitchell requested a division.

Fifteen Senators having voted in the affirmative and seven in the negative, the affirmative prevailed and the Senate refused to concur.

The President declared a recess.

### Recess

The Senate re-assembled.

On motion of Senator Munroe the rules were suspended and all business in order for this afternoon at two o'clock was made in order at the present time.

### Third Reading

The following entitled bill was read a third time.

House Bill No. 395, An act relative to the adoption of minors.

The question being stated,

Shall the bill pass?

(Discussion ensued)

Senator Mitchell demanded a roll call.

The Clerk proceeded to call the roll.

The following named Senators voted in the affirmative: Senators Finley, Smart, Bryant, Munroe, Fairbanks, Butler, Spaulding, Weston, Avery and Chesley.

The following named Senators voted in the negative: Senators Lazure, Mitchell, James, Noel, Mahoney, O'Malley, Brouillette, Marcoux, Cole, Estabrook and Dale.

Senators Page and Bond were paired, Senator Page voting in the affirmative and Senator Bond voting in the negative.

Eleven Senators having voted in the affirmative and twelve in the negative, the negative prevailed and the bill did not pass.

The President declared a recess.

### Recess

The Senate re-assembled.

### Report of Committee of Conference

The Committee of Conference, to whom was referred House Bill No. 315, An act relative to the State Hospital and Laconia State school, having failed to



come to any agreement, recommend that the committee be discharged and that a new committee be appointed.

CURTIS H. PAGE,  
ERNEST BOND,

*Conferees on the part of the Senate.*

RALPH F. SEAVEY,  
WM. H. HOYT,  
L. L. OSBORNE,

*Conferees on the part of the House.*

On a *viva voce* vote the Senate voted to accede to the request, and the President appointed Senators Butler and Weston.

The President declared a recess.

### Recess

The Senate re-assambled.

On motion of Senator Weston the Senate voted to recede from its position in adopting the report of the Committee of Conference on House Bill No. 358, An act creating a state aeronautics commission, and adopt the following amended report.

The Committee of Conference, to whom was referred House Bill No. 358, An act creating a state aeronautics commission, report the same with the recommendation that the Senate recede from its position in adopting its amendments and the House recede from its position of non-concurrence, and that the House and Senate adopt the following amendments:

Amend the title of said bill by striking out the same and inserting in place thereof the following:

An act relating to the development of aeronautical facilities.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *Name of Act.* This act shall be known and may be cited as the New Hampshire Aeronautics Act of 1939.

2. *Declaration of Purpose.* It is hereby declared that the purpose of this act is to further the public interest by (a) the encouragement and development of an air transportation system properly adapted to the present and future needs of the state by the establishment, construction and maintenance of air navigation facilities to meet these needs, and (b) the encouragement and development of civil aeronautics.

3. *Definitions.* As used in this act, unless the context otherwise requires, the following words shall have the following meanings:

I. "Aeronautics" means the science and art of flight.

II. "Air navigation facility" means any facility used in, available for use in, or designed for use in, aid of air navigation, including landing areas, lights, any apparatus or equipment for disseminating weather information, for signaling, for radio-directional finding, or for radio or other electrical communication, and any other structure or mechanism having a similar purpose for guiding or controlling flight in the air or the landing and take-off of aircraft.

III. "Airport" means a landing area providing certain specified facilities and services for use in connection with air transportation.

IV. "Landing area" means any locality, either of land or water, including airports and intermediate landing fields which is used, or intended to be used, for the landing and take-off of aircraft, whether or not facilities are provided for the shelter, servicing, or re-

pair of aircraft, or for receiving or discharging passengers or cargo.

4. *Appointment of Director.* There is hereby created the office of director of aeronautics. Said director shall be appointed by the governor with the advice and consent of the council, and shall serve for an indefinite term, at the pleasure of the governor and council.

5. *Compensation.* The director shall serve without compensation but shall be reimbursed in a sum not to exceed fifteen hundred dollars for all traveling and other expenses incurred by him in the discharge of his official duties.

6. *Duties.* The director, immediately after appointment shall prepare and present to the governor and council a comprehensive, state-wide program for the development, construction and maintenance of air navigation facilities, with preliminary plans and estimates of cost, and the recommended apportionment of these costs between the state and local municipalities. The director shall, with the approval of the governor and council, execute all matters pertaining to the promotion and development of aeronautics in the state. The director shall exercise general supervision, control and direction, on behalf of the state, over all matters pertaining to the location, construction and maintenance of all air navigation facilities, now or hereafter built or maintained, either in whole or in part, with money appropriated from the state treasury. He may recommend to the governor and council that the state acquire land, easements and rights of way for the establishment of air navigation facilities.

7. *Establishment Authorized.* The director, with the approval of the governor and council, shall

establish a state airways system, consisting of landing areas, both land and water, airport and airway marking and lighting, and other aids to air navigation, adequate for air transportation service to the entire state. The system shall be supplementary to the federal airways system and such parts of it as are provided and maintained by federal agencies within the state. The system may include all air navigation facilities maintained for public use, whether publicly or privately owned, under such terms and conditions as meet the approval of the director.

8. *Public Ownership.* The state is hereby authorized, to acquire, construct, maintain, and operate, any air navigation facility, and may do so jointly with the United States, other states, or with any governmental unit of the state.

9. *Suits Affecting.* The construction, maintenance and operation of the air navigation facilities is hereby declared a public governmental function, and no action or suit shall be brought or maintained against the state, or any county or town thereof, or its officers, agents, servants, or employees, in or about the construction, maintenance, operation, superintendence, or management of any air navigation facility.

10. *Acceptance of Federal Aid.* The state and the towns are hereby authorized to accept funds from the United States for the construction and maintenance of air navigation facilities. The director is hereby authorized to act for the state and towns with representatives of the federal government, in all matters pertaining to acceptance of such federal aid.

11. *Use of Air Navigation Facilities.* There shall be no exclusive right for the use of any landing area or air navigation facility upon which state or federal funds

have been expended. Provided, that the state acquiring air navigation facilities under the provisions of this act, is authorized to construct for or lease to any person the use of the facilities, and may establish reasonable rent or fees therefor.

12. *Appropriation.* For the purposes of this act there is hereby appropriated the sum of fifteen hundred dollars annually and the governor is hereby authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

13. *Savings Clause.* In case any phrase or provision hereof shall be declared unconstitutional, the remaining provisions shall not by reason thereof be invalid and the remainder of the act and its application shall not be affected thereby.

14. *Takes Effect.* This act shall take effect upon its passage.

WILLIAM WESTON,  
A. RALPH ESTABROOK,  
*Conferees on the part of the Senate.*

RALPH F. SEAVEY,  
L. L. OSBORNE,  
C. B. ETSLER,  
*Conferees on the part of the House.*

### Committee of Conference Reports

The Committee of Conference, to whom was referred House Bill No. 315, An act relative to the State Hospital and Laconia State School, having considered the same, report the same with the recommendation that the Senate recede from its position in adopting its amendment and the House recede from its position of non-concurrence and the following amendment be adopted:

Amend section 1 by striking out the whole of said section and inserting in place thereof the following:

1. *Appropriation.* For the purpose of additional facilities for the state hospital there is hereby appropriated the sum of one million dollars for such of the following items as the Governor and Council may approve: (a) to cover the cost to change the electric system from D. C. to A. C. current, including wiring, motors and equipment; (b) power plant equipment; (c) pump and elevator for the Thayer building; (d) new steam main for the Walker building; (e) exhaust heaters for the Walker and Tobey buildings; (f) vacuum system for the Kent building; (g) laundry equipment; (h) renovation of water mains and hydrants; (i) construction and equipment of a medical-surgical building or admission building; (j) the construction and equipment of one patients' dormitory of one hundred beds to be located on land of the State Hospital; and the construction and equipment of one patients' dormitory of one hundred beds to be located on land of the Laconia State School, the site of the latter dormitory to be chosen by the trustees of said school with the approval of the governor and council; said dormitory upon completion shall be under the jurisdiction and control of the trustees of said school. Feeble-minded adults may with the approval of the trustees and superintendent of said school be transferred from the state hospital by its superintendent to said dormitories and other feeble-minded adults may, with the approval of the trustees and superintendent of said school, be committed thereto, as now by law permitted; (k) purchase of land, to be located not more than five miles from the present hospital grounds in Concord; (1) for additions and extensions to the commissary department. The appropriation hereby made shall be expended by the trustees of the



state hospital except the dormitory at the Laconia State School which shall be by the trustees of the State School, in accordance with plans and specifications to be approved by the Governor and Council.

CHARLES F. BUTLER,  
WILLIAM WESTON,

*Conferees on the part of the Senate.*

RALPH F. SEAVEY,  
WILLIAM H. HOYT,  
LEO L. OSBORNE,

*Conferees on the part of the House.*

On a *viva voce* vote the Senate adopted the report of the Committee of Conference.

The Committee of Conference to whom was referred House Bill No. 323, An act making appropriations for the expenses of the state of New Hampshire for the year ending June 30, 1940, having considered the same recommend that the House recede from its position of non-concurrence and that the Senate recede from its position in adopting its amendments and that the Senate and House adopt the following amendments:

Amend the second item of appropriation by striking out the words "State government association" and insert in place thereof the words, Council of state governments.

Amend the paragraph relative to the executive department as follows: for council per diem and expenses strike out the figure "\$7,000" and insert the figure \$6,500; strike out the words "per diem compensation and expenses of the council shall be paid from this fund and no compensation or expenses shall be paid from any other state funds; for emergency fund, strike out the figure "\$40,000" and insert the figure

\$45,000; change the total for said department from \$70,665 to \$75,165.

Amend the paragraph relative to the department of agriculture as follows: for salaries of clerks and assistants, for insect suppression, strike out the figure "\$7,865" and insert the figure \$8,765; strike out the total for insect suppression "\$11,600" and insert the figure \$12,500; for bureau of markets, for salaries, strike out the figure "\$3,025" and insert the figure \$3,187; change the total for said bureau from \$3,800 to \$3,962 and change the total for said department from \$146,547 to \$147,609.

Amend the paragraph relative to the comptroller's department as follows: for current expenses strike out the figure "\$2,300" and insert the figure \$2,500; insert the following items:

Mailing division, clerical expenses	\$3,435
, current expenses	365
	<hr/>
Total	\$3,800

change the first total for said department from "\$27,112.50" to \$31,112.50 and the final total for said department from "\$34,362.50" to \$38,362.50.

Amend the paragraph relative to the insurance department as follows: for clerical expenses strike out the figure "\$8,550" and insert the figure \$10,550; for current expenses strike out the figure "\$4,000" and insert the figure \$4,850; change the total for said department from "\$21,850" to \$24,700.

Amend the paragraph relative to the bureau of labor as follows: for clerical expenses strike out the figure "\$5,025" and insert the figure \$5,525; for salary of commissioner strike out the figure "\$3,000" and insert the figure \$4,000; change the first total from \$11,125 to \$12,625 and the total for the department from \$55,625 to \$57,325.

Amend the paragraph relative to the state department as follows: for current expenses strike out the figure "\$2,300" and insert the figure \$2,700; change the first total from "\$19,325" to \$19,725; add after direct primary the words and figures "Presidential primary \$7,000 Daniel Webster birthplace \$900"; change the total for the department from "\$26,955" to \$35,255.

Amend the paragraph for the state house department as follows: for other salaries strike out the figure "\$41,220" and insert the figure \$44,250; for current expenses strike out the figure "\$44,700" and insert the figure \$46,700; strike out the following "Daniel Webster birthplace \$780"; change the total for said department from \$100,539 to \$104,789.

Amend the paragraph for weights and measures as follows: for clerical expenses strike out the figure "\$1,000" and insert the figure \$1,500; strike out the word and figure "equipment \$250"; change the total for said department from "\$17,655" to \$17,905.

Amend the paragraph for the industrial school as follows: for custodial care, for current expenses strike out the figure "\$17,800" insert the figure \$18,620; change the total for custodial care from \$38,770 to \$39,590 and change the total for said institution from \$89,985 to \$90,805.

Amend the paragraph relative to state prison by changing the total thereof from \$125,180 to \$127,180.

Amend the paragraph relative to state board of education as follows: strike out the words "normal school" where they occur and insert in place thereof the words teachers' college; amend the paragraph after the figures by striking out the same and inserting in place thereof the words,

In addition to the above appropriation said department shall receive for disbursement the income of the teachers' colleges dormitories and practice schools, and

the sums paid by school districts for the salaries of superintendents under section 40, chapter 117 of the Public Laws. In this department any balance, excepting the equalization fund, which may be unexpended in any fiscal year, shall be placed in a special fund available for use for maintenance purposes the following year by and with the consent of the governor and council.

Amend the paragraph relative to the board of health as follows: for control of venereal diseases, for current expenses strike out the figure "\$1,920" and insert the figure \$2,680; change the total for venereal diseases from \$8,140 to \$8,900; for laboratory of hygiene, current expenses strike out the figure "\$4,150" and insert the figure \$4,550; change the total for said laboratory from "\$20,432" to \$20,832; for sanitation, for current expenses, strike out the figure "\$2,850" and insert the figure \$3,250; change the total for sanitation from \$11,450 to \$11,850 and the total for said department from \$86,677 to \$88,237.

Amend the paragraph for department of welfare as follows: for field services revenue strike out the figure "\$48,921.68" and insert the figure \$47,521.68; change the total for field services from \$106,509.32 to \$107,908.32; change the first total for the department from \$881,054.15 to \$882,454.15 and the next total from \$813,554.14 to \$814,954.15.

Amend the paragraph for the cancer commission by striking out the same and inserting the following:

Professional service	\$12,500
Clerical expenses	3,750
Current expenses	16,100
Equipment	150

Change the total for planning and development commission from \$115,914 to \$116,414.

Amend the paragraph for public library commission as follows: for books strike out the figure \$2,000 and insert the figure \$3,000; change the total from \$2,675 to \$3,675; for field work strike out the figure "\$1,265" and insert the figure \$2,465; change the total for said department from \$15,895 to \$18,095.

Amend the paragraph for the public service commission as follows: for engineers, etc., strike out the figure "\$44,050" and insert the figure \$44,200; change the first total from \$87,255 to \$87,405 and the next total from \$64,755 to \$64,905.

Amend the paragraph for the tax commission by inserting before the total the following items:

For administration of tobacco tax

Clerical expenses	\$14,800
Current expenses	14,600
Equipment	600

Total	\$30,000
-------	----------

change the total for the department from \$39,975 to \$69,975.

Amend the paragraph for the milk control board as follows: for current expenses strike out the figure \$4,189 and insert the figure \$5,189; change the total for the department from \$12,000 to \$13,000.

Insert the following before the appropriation for the pharmacy commission:

For water resources board	\$20,000
For Eastern State Exposition building commission	\$1,000

Further amend said bill by adding at the end after section 1 the following new section:

2. *Takes Effect.* This act shall take effect July 1, 1939.

GEORGE H. BOYNTON,  
ROBERT H. SANDERSON,  
LEO L. OSBORNE,  
KENNETH G. BELL,  
RALPH F. SEAVEY,

*Conferees on the part of the House.*

THOMAS B. O'MALLEY,  
CHARLES F. BUTLER,  
CURTIS W. PAGE,

*Conferees on the part of the Senate.*

On motion of Senator Butler further reading of the committee report was dispensed with and the report was accepted and recommendation of the committee adopted.

The Committee of Conference, to whom was referred House Bill No. 324, An act making appropriations for the expenses of the state of New Hampshire for the year ending June 30, 1941, reported the same with the recommendation that the House recede from its position of non-concurrence and that the Senate recede from its position in adopting its amendments and that the Senate and House adopt the following amendments:

Amend the second item of the appropriations by striking out the words "State government association" and inserting in place thereof the words, Council of State Governments.

Amend the paragraph relative to the executive department as follows: for council per diem strike out the figure "\$8,000" and insert the figure \$7,500; strike out the words, per diem compensation and expenses of the council shall be paid from this fund and no compensation or expenses shall be paid from any other



state funds; for emergency fund strike out the figure \$40,000 and insert in place thereof the following, July 1, 1940 to December 31, 1940, \$22,500; January 1, 1941 to June 30, 1941, \$22,500; change the total for said department from "\$71,765" to \$76,265.

Amend the total for the probate court by striking out the figure "\$37,000" and inserting \$37,900.

Amend the paragraph for the department of agriculture as follows: for insect suppression, salaries of clerks strike out "\$7,865" and insert the figure \$8,765; change the total of insect suppression from \$11,600 to \$12,500; for bureau of markets, for salaries strike out the figure "\$3,075" and insert the figure \$3,237; change the total for said bureau from \$3,850 to \$4,012; change the total for animal industry from \$90,056 to \$92,756; change the total for said department from \$145,297 to \$149,059.

Amend the paragraph for the comptroller's department, as follows: for current expenses strike out the figure \$2,500 and insert the figure \$2,700; add to said appropriation the following:

For mailing division:

Clerical expenses .....	\$3,535.00	
Current expenses .....	365.00	
Equipment .....	50.00	
Total	_____	\$3,950.00

change the first total from \$26,337.50 to \$30,487.50 and change the last total from \$33,587.50 to \$37,737.50.

Amend the paragraph for the insurance department as follows: for clerical expenses strike out the figure \$8,800 and insert the figure \$10,800; current expenses strike out the figure \$4,000 and insert the figure \$4,850; change the total for the department from \$22,100 to \$24,950.

Amend the paragraph for the bureau of labor as follows: for salary of commissioner strike out the figure \$3,000 and insert the figure \$4,000; for clerical expenses strike out the figure \$5,100 and insert the figure \$5,600; change the total for the office of the commissioner from \$11,450 to \$12,950 and change the total for the department from \$56,400 to \$57,900.

Amend the paragraph for the state department as follows: strike out the words and figure "presidential primary \$7,000" and insert the words and figure Daniel Webster birthplace \$800; change the total for the department from \$49,520 to \$43,320.

Amend the paragraph for the state house department as follows: strike out the words and figure "Daniel Webster birthplace \$735"; change the total for said department from \$111,226 to \$110,491.

Amend the paragraph for weights and measures as follows: for clerical expenses strike out the figure \$1,050 and insert the figure \$1,550; strike out the word and figure "equipment \$100"; change the total for said department from \$17,375 to \$17,775.

Amend the paragraph for the industrial school as follows: for custodial care, for current expenses strike out the figure \$17,800 and insert the figure \$18,620; change the total for custodial care from \$38,770 to \$39,590; change the total for the institution from \$89,985 to \$90,805.

Amend the paragraph for the state board of education as follows: strike out the words "normal schools" where they occur and insert the words teachers' college; strike out the paragraph after the total appropriation and insert in place thereof the following:

In addition to the above appropriation said department shall receive for disbursement the income of the teachers' colleges dormitories and practice schools, and

the sums paid by school districts for the salaries of superintendents under section 40, chapter 117 of the Public Laws. In this department any balance, excepting the equalization fund, which may be unexpended in any fiscal year, shall be placed in a special fund available for use for maintenance purposes the following year by and with the consent of the governor and council.

Amend the paragraph for the board of health as follows: for venereal diseases, current expenses strike out the figure \$1,920 and insert the figure \$2,630; change the total for venereal diseases from \$8,190 to \$8,900; for laboratory of hygiene strike out the figure for current expenses \$4,150 and insert the figure \$4,550; change the total for said laboratory from \$20,832 to \$21,232; for sanitation strike out the figure \$2,850 and insert the figure \$3,250; change the total for sanitation from \$11,450 to \$11,850; change the total for said department from \$87,292 to \$88,802.

Amend the paragraph for department of public welfare as follows: for field service revenue strike out the figure \$60,842.48 and insert the figure \$59,442.48; change the total for field service from \$124,702.52 to \$126,102.52 and change the total for said department from \$1,039,481.60 to \$1,040,881.60.

Amend the paragraph for cancer commission by striking out said paragraph and inserting in place thereof the following:

For cancer commission:

Professional service . . . . .	\$12,500.00	
Clerical expenses . . . . .	3,800.00	
Current expenses . . . . .	16,050.00	
Equipment . . . . .	150.00	
Total		\$32,500.00

Amend the paragraph for the public library commission as follows: for traveling libraries for books strike out the figure \$2,000 and insert the figure \$3,000; change the total for said libraries from \$2,675 to \$3,675; for field work strike out the figure \$1,265 and insert the figure \$2,465; change the total for the department from \$16,295 to \$18,495.

Amend the paragraph for the public service commission as follows: for engineers strike out the figure \$45,300 and insert the figure \$45,600; change the total \$88,255 to \$88,555; change the last total from \$66,855 to \$67,155.

Amend the paragraph for the tax commission as follows: add before the total the following:

Administration of tobacco tax:

Clerical expenses .....	\$13,400.00
Current expenses .....	14,600.00
Equipment .....	200.00
Total .....	<u>                    </u> \$28,200.00

Change the total for said department from \$39,225 to \$67,425.

Amend the paragraph for the milk control board as follows: for current expenses strike out the figure \$4,089 and insert the figure \$5,089; change the total from \$12,000 to \$13,000.

Insert before the appropriation for the pharmacy commission the following:

For water resources board .....	\$20,000.00
For Eastern States Exposition building commission .....	\$1,000.00

Add after section 1 the following new section:

2. *Takes Effect.* This act shall take effect July 1, 1940.

GEO. W. BOYNTON,  
LEO L. OSBORNE,  
RALPH F. SEAVEY,  
ROBERT H. SANDERSON,  
KENNETH G. BELL,

*Conferees on the part of the House.*

CHARLES F. BUTLER,  
CURTIS H. PAGE,  
THOMAS B. O'MALLEY,

*Conferees on the part of the Senate.*

On motion of Senator Butler further reading of the committee report was dispensed with, and the report was accepted and the recommendation of the committee adopted.

### **Bills Engrossed**

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled bills and joint resolution:

House Bill No. 59, An act relating to the practice of optometry.

House Bill No. 198, An act to provide for a revision of the Public Laws.

House Bill No. 203, An act relating to the taking of raccoon.

House Bill No. 231, An act relating to salaries of clerks of municipal courts.

House Bill No. 376, An act providing for improvements at Rye harbor.

House Bill No. 416, An act to protect the golden and bald eagle.

Senate Joint Resolution No. 4, Joint resolution in favor of Thomas J. Callahan.

ALBERT C. LAZURE,  
*For the Committee.*

### House Message

The following message was received from the House of Representatives by its Clerk:

*Mr. President:*

The House of Representatives has adopted the report of the Committee of Conference on House Bill No. 323, An act making appropriations for the expenses of the State of New Hampshire for the year ending June 30, 1940.

House Bill No. 324, An act making appropriations for the expenses of the State of New Hampshire for the year ending June 30, 1941.

House Bill No. 358, An act creating a state aeronautics commission.

House Bill No. 315, An act relative to the state hospital and Laconia state school.

### Committee Report

Senator Lazure, for the Committee on Engrossed Bills, to whom was referred House Bill No. 228, An act relating to the control of navigation at Hampton harbor, the inlet, so called and Hampton river,

Having considered the same, reported the same under Joint Rule No. 6, with the following amendments, and the recommendation that the bill as amended ought to pass.

Amend section 1 of said bill by adding the words "and pay" at the end of section 12-a.

Amend the paragraph numbered 12-c by striking out the last sentence and inserting in place thereof the following:



All fines collected under the provisions of this section shall be forwarded by the court collecting the same to the New Hampshire Shore and Beach Preservation and Development Commission, and by it applied toward the salary of said harbor master.

The report was accepted, amendments adopted, and the bill as amended sent to the House of Representatives for concurrence in Senate amendment.

Senator Lazure, for the Committee on Engrossed Bills, to whom was referred House Bill No. 444, An act relative to the powers of the fiscal agent of Coos county,

Having considered the same, reported the same under Joint Rule No. 6, with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 2 of said bill by adding at the end thereof the words, provided, however, that the said serial notes issued hereunder shall be payable prior to April 1, 1948.

The report was accepted, amendment adopted, and the bill as amended sent to the House of Representatives for concurrence in Senate amendment.

The President declared a recess.

### Recess

The Senate re-assembled.

### House Message

The following message was received from the House of Representatives by its Clerk:

*Mr. President:*

The House of Representatives has voted to adopt the amendments offered by the Committee on Engrossed Bills, to the following House Bills, in the

adoption of which amendments the House of Representatives asks the concurrence of the Honorable Senate:

House Bill No. 228, An act relating to the control of navigation at Hampton harbor, the inlet, so called and the Hampton river.

House Bill No. 444, An act relative to the powers of the fiscal agent of Coos county.

### **Bills Engrossed**

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled bills and joint resolution:

House Bill No. 228, An act relating to the control of navigation at Hampton Harbor, the inlet, so called, and Hampton river.

House Bill No. 315, An act relative to the state hospital and Laconia State School.

House Bill No. 323, An act making appropriations for the expenses of the state of New Hampshire for the year ending June 30, 1940.

House Bill No. 324, An act making appropriations for the expenses of the state of New Hampshire for the year ending June 30, 1941.

House Bill No. 354, An act in amendment of the charter of the city of Keene.

House Bill No. 358, An act relating to the development of aeronautical facilities.

House Bill No. 431, An act relative to bonds of wholesaler and manufacturer permittees for the sale of certain alcoholic beverages, and for a building for the state liquor commission.

House Bill No. 444, An act relative to the powers of the fiscal agent of Coos county.

House Joint Resolution No. 13, Joint resolution in favor of James F. Donahue and George C. Hamlin.

ALBERT C. LAZURE,  
*For the Committee.*

The report of the committee was accepted.  
The President declared a recess.

### Recess

The Senate re-assembled.

Senator Butler, for the Joint Committee appointed to wait upon His Excellency, the Governor, and inform him that the Legislature has completed its duties, reported that they had attended to their duties and that the Governor informed them that he had no communication to lay before the House.

The report was accepted, and His Excellency, Francis P. Murphy, then came in and delivered the following message:

*To the Honorable Senate:*

I have been informed by the Joint Committee of the Senate and the House of Representatives that you have completed the business of the session and are ready to adjourn.

For my part, I am glad to notify you that the bills and the resolutions that have been passed by the General Court on this closing day of the session have received executive approval.

I would not wish, however, to let you depart from the Capitol without expressing my appreciation, and in this I am sure that I am reflecting the opinion of the people in general, for the thorough, expeditious, and intelligent manner in which you have discharged your duties in the course of the twenty-four weeks during which you have been in session.

There has not been a shorter regular session since 1931 and surely there have been very few in which there was so openly manifested a more earnest desire for wholesome cooperation between upper and lower branches of the Legislature and with the executive.

I can give personal testimony to that, as far as my own relationships with you are concerned. I believe, too, that every member of this body will agree with me that rarely has such a friendly spirit of collaboration prevailed in formal conference committees as well as in informal joint undertakings.

You have had several extremely important problems to consider, such as flood control, the elimination of the direct state tax, and the financing of future state highway construction, but to your credit be it said that you have solved those and many other issues of lesser importance in a manner which I regard as wholly harmonious with the public interest.

You have served the people faithfully. You are concluding your labors thus early largely because you have attended the sessions regularly and because you have worked hard on the tasks assigned you.

It is a fact well worthy of general noting that, during the entire session, there has not been a single working day when a quorum was not present in both branches, even at this last of your meetings. And the recorded attendance, as disclosed by roll calls, has been much higher than shown in previous years.

That, in my opinion, is a record which has not been approached in a great many years and indicates a significant change in attitude toward the transaction of legislative affairs. For it, and for all that you have accomplished here, for the improvement of conditions in our state, I publicly thank you.

And I wish to compliment the President of the Honorable Senate and the Speaker of the House for the

able and efficient manner in which they have presided over their respective bodies and the sincere co-operation and the full measure of assistance they have at all times given me.

And now, with regret, by virtue of the authority vested in me, as Governor, I do hereby declare the General Court of New Hampshire adjourned to the last Wednesday in the month of December, in the year of our Lord, one thousand nine hundred and forty. Good bye! And may God bless you all!

FRANCIS P. MURPHY,  
*Governor.*

Whereupon the President declared the Senate adjourned to the last Wednesday in December, 1940.

BENJAMIN F. GREER,  
*Clerk.*

A true copy: attest.

BENJAMIN F. GREER,  
*Clerk.*







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JOURNAL  
OF THE  
HOUSE OF REPRESENTATIVES  
JANUARY SESSION OF 1939



JOURNAL  
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WEDNESDAY, JANUARY 4, 1939.

On the first Wednesday in January, the year of our Lord one thousand nine hundred and thirty-nine, being the day designated by the constitution for the assembling of that body the one hundred and twenty-sixth General Court of the state of New Hampshire convened at the Capitol in the City of Concord, and the representatives elect were called to order by acting clerk Cyril J. Fretwell.

The acting clerk proceeded to call the roll and 414 members answering to their names a quorum was declared present.

On motion of Mr. Etsler of Claremont:

*Resolved*, That a committee of three be appointed by the clerk to wait upon His Excellency the Governor and inform him that a quorum of the House is assembled and requests his attendance.

The clerk appointed Messrs. Seavey of Rochester, Emerson of Milford and Mrs. Mason of Berlin as such Committee.

His Excellency the Governor, having been informed that a quorum of the House was assembled, appeared, attended by the Honorable Council, and the following named ladies and gentlemen, having presented their credentials, were duly qualified by His Excellency as

members of the House of Representatives by taking and subscribing to the oaths of office agreeably to the provisions of the Constitution.

### Rockingham County

Auburn . . . . .	Harvey F. Stowe
Brentwood . . . . .	Bart E. Havican
Candia . . . . .	Karl J. Persson
Chester . . . . .	Preston E. Goodrich
Deerfield . . . . .	Woodbury L. Rand
Derry . . . . .	Robert W. Burbank
	Harold W. Corson
	George H. Grinnell
	Oliver H. Hepworth
East Kingston . . . . .	Frank A. J. Avery
Epping . . . . .	Thomas W. Fecteau
Exeter . . . . .	Helen D. Bourn
	Walter O. Pennell
	Renfrew A. Thomson
	Willard K. Tozier
Fremont . . . . .	Clifton H. Beede
Greenland . . . . .	James L. Miller
Hampstead . . . . .	Frank W. Emerson
Hampton . . . . .	Charles Francis Adams*
Hampton Falls . . . . .	Forrest B. Creighton
Kingston . . . . .	Warren S. Keay
Londonderry . . . . .	Frank A. Nesmith
Newfields . . . . .	Daniel R. Smith
Newington . . . . .	Jackson Manning Hoyt
Newmarket . . . . .	Arthur A. Labranche
	George N. Willey
Newton . . . . .	Robert S. Prescott
North Hampton . . . . .	Forrest E. Knowles
Northwood . . . . .	Melvin W. Rowell
Plaistow . . . . .	John A. Palmer

## Portsmouth—

Ward 1 . . . . .	Americo J. Fransoso Ernest E. Frederickson Arthur J. Reinhart
Ward 2 . . . . .	Harry H. Foote Edwin W. Gray Everett L. Marston John H. Yeaton
Ward 3 . . . . .	William S. Canty William Cogan
Ward 4 . . . . .	William H. Palfrey
Ward 5 . . . . .	John Burkhardt Leo Liberson
Raymond . . . . .	Walter E. Quimby
Rye . . . . .	Ernest A. Tucker
Salem . . . . .	William Barron Leonard B. Peever
Seabrook . . . . .	Howard E. Smith
South Hampton . . . .	Earle M. Currier*
Stratham . . . . .	George C. Jewell
Windham . . . . .	George H. Butterfield,

## Strafford County

Barrington . . . . . Bertha G. Hayes

## Dover—

Ward 1 . . . . .	Clifton R. Hayes Frank P. Loughlin Albert P. Sherry
Ward 2 . . . . .	Daniel J. Cronin John Patrick King Armand J. Ouellette
Ward 3 . . . . .	Frank F. Fernald George W. Garland
Ward 4 . . . . .	Benjamin A. Brown Ernest L. Lucas Mark J. Pilgrim
Ward 5 . . . . .	Edward Durnin



Durham . . . . .	J. Guy Smart
Farmington . . . . .	Carl C. Blanchard
	Leon R. Hayes
Madbury . . . . .	Richard G. Hale
Milton . . . . .	Lyman Plummer
Rochester—	
Ward 1 . . . . .	George A. Pray
Ward 2 . . . . .	John F. Conrad
	George Y. Emerson
Ward 3 . . . . .	Ashbel J. Young
Ward 4 . . . . .	Aurelle Beaudoin
	George J. Potvin
Ward 5 . . . . .	Joshua Studley
Ward 6 . . . . .	Sara E. Greenfield
	Ralph F. Seavey
Rollinsford . . . . .	Forrest L. Nutter
Somersworth—	
Ward 1 . . . . .	Placide J. Lagueux
Ward 2 . . . . .	Napoleon A. Habel*
Ward 3 . . . . .	Alfred J. Boucher
Ward 4 . . . . .	Edmund G. Hebert
	Romeo St. Laurent
Ward 5 . . . . .	Onesime J. Dubois
Strafford . . . . .	Ellsworth H. Berry

### Belknap County

Alton . . . . .	Charles A. Rollins
Barnstead . . . . .	Harry K. Hier
Belmont . . . . .	Herbert C. Adams
Gilford . . . . .	Arthur H. Lord
Gilmanton . . . . .	Amos R. Price
Laconia—	
Ward 1 . . . . .	David O'Shan
	George W. Tarlson
Ward 2 . . . . .	Alfred L. Guay
	Fortunat A. Normandin*
Ward 3 . . . . .	Elmer S. Tilton

## Laconia—

Ward 4 . . . . .	Joseph H. Roucher Frederick A. Tilton
Ward 5 . . . . .	Howard K. Ballou Harry J. Rivers
Ward 6 . . . . .	Clarence E. Greene Charles L. Simpson
Meredith . . . . .	Shepherd F. Brown J. Frank Neal
New Hampton . . . . .	Joseph W. Smith
Sanbornton . . . . .	Nathan T. Morse
Tilton . . . . .	Hooper R. Goodwin

## Carroll County

Bartlett . . . . .	Scott C. W. Simpson
Conway . . . . .	Elmer H. Downs Perley W. Mudgett George W. Russell
Effingham . . . . .	Willis D. Gale
Jackson . . . . .	Leonard A. Fernald
Madison . . . . .	Guy W. Nickerson
Moultonborough . . . . .	Edith D. Banfield
Ossipee . . . . .	Chester E. Merrow
Sandwich . . . . .	Perley C. Knox
Tamworth . . . . .	Leonard H. Vittum
Tuftonboro . . . . .	Royal P. Young
Wakefield . . . . .	Ansel N. Sanborn
Wolfeboro . . . . .	Ralph G. Carpenter 2nd Raymond E. Jewell*

## Merrimack County

Allenstown . . . . .	Narcisse V. Guilbeault
Andover . . . . .	Gladys E. MacPhee
Boscawen . . . . .	Maurice S. Nichols
Bow . . . . .	Frank E. Woodbury
Bradford . . . . .	Joseph H. Trow

Canterbury . . . . .	Charles Elliott Morrill
Chichester . . . . .	Leon A. Sanborn
Concord—	
Ward 1 . . . . .	Charles P. Coakley George F. McGirr
Ward 2 . . . . .	Roger Dunlap
Ward 3 . . . . .	George W. Kemp
Ward 4 . . . . .	Albert S. Baker Louis P. Elkins Parker L. Hancock
Ward 5 . . . . .	George A. Conlon George H. Nash
Ward 6 . . . . .	Winslow H. Osborne Donald W. Saltmarsh Arthur F. Sturtevant John C. Tilton
Ward 7 . . . . .	John E. Buntin Allen M. Freeman Frank E. George George Azro Maxham
Ward 8 . . . . .	William H. Hoyt
Ward 9 . . . . .	John T. Harrison John Paveglio
Danbury . . . . .	Eugene L. Collins
Dunbarton . . . . .	Henry Milburn
Epsom . . . . .	Albert J. Yeaton
Franklin—	
Ward 1 . . . . .	Lester C. Maxfield
Ward 2 . . . . .	Emile Carignan Eusebe P. Lemire
Ward 3 . . . . .	John P. Dempsey James S. Shaw
Henniker . . . . .	Charles J. Burnham
Hooksett . . . . .	Edward M. DuDevoir Alphonse Lafond
Hopkinton . . . . .	Lewis A. Nelson
Loudon . . . . .	Charles L. Merrill

Newbury . . . . .	Albert W. Cheney
New London . . . . .	Herbert D. Swift
Northfield . . . . .	Lucien F. Batchelder
Pembroke . . . . .	Oscar I. Boisvert
	Antonio Dupont
Pittsfield . . . . .	John H. Perkins
	Robert H. Sanderson
Salisbury . . . . .	Sydney Clerk
Sutton . . . . .	Fred M. Anderson
Warner . . . . .	Alfred S. Cloues
Wilmot . . . . .	Ernest Stuart

### Hillsborough County

Amherst . . . . .	Ralph C. Bills
Antrim . . . . .	Hugh M. Graham
Bedford . . . . .	Ralph M. Wiggin
Bennington . . . . .	Arthur J. Pierce
Brookline . . . . .	Llewellyn S. Powers
Deering . . . . .	Stuart Michie
Francestown . . . . .	Carroll F. Clark
Goffstown . . . . .	John W. Brown
	A. Kenneth Hambleton
	Arthur E. Pattee
Greenville . . . . .	Bernadette E. Charois
Hancock . . . . .	Maurice S. Tuttle
Hillsborough . . . . .	George W. Boynton
	Frank D. Gay
Hollis . . . . .	Henry A. Wilson
Hudson . . . . .	Fred T. Goodwin
	Arthur W. Smith
Litchfield . . . . .	John A. Reid
Manchester—	
Ward 1 . . . . .	Harry W. Bergholtz
	Stoddard B. E. Chase
	Joel S. Daniels, Sr.
	Edward T. Knowlton

## Manchester—

Ward 2 . . . . .	Charles Henry Barnard Perley W. Gage Victor C. Johnson Charles V. Kimball Charles E. Woodbury
Ward 3 . . . . .	Joseph M. Barry* Michael J. Dwyer James J. Shea, Jr. Michael A. Talty Marjorie S. Woodbury
Ward 4 . . . . .	James S. Duffley John J. Frain Thomas J. McGowan D. Frank O'Neil
Ward 5 . . . . .	Joseph J. Betley Napoleon Dulac George T. Healy George E. Houle Arthur J. Lacroix Martin L. Mahoney* John C. O'Brien
Ward 6 . . . . .	Richard J. Barry William J. Booth John G. Clancy* Paul J. Connolly Frank M. Fox, John J. Sullivan
Ward 7 . . . . .	Armand J. Benoit Alcide R. Gagnon Joseph C. Gaumont Arthur J. Jean P. Romeo Poirier Gedeon A. Turcotte
Ward 8 . . . . .	Edmond Benoit Edward F. Bouthiette George A. Brousseau

## Manchester—

Ward 8 . . . . .	George N. Constant Michael S. Donnelly Joseph O. Gelinaz John J. Kane Michael P. Wedick
Ward 9 . . . . .	Leo Boisvert John F. Driscoll Lionel E. Plante
Ward 10 . . . . .	William N. Brown Mary L. Caron Paul L. Gilmartin Louis J. Head
Ward 11 . . . . .	Hubert T. Carroll John B. Mullen Joseph J. Roukey Francis H. Sweeney
Ward 12 . . . . .	Joseph P. Aubin Charles A. Caron J. Charles Durette Alpha J. Letendre Louis J. Soucy
Ward 13 . . . . .	Adolphe Duval Lorenzo L. Gauthier George I. Ladouceur Hector J. Rousseau Arthur Thibodeau
Mason . . . . .	Albert C. Whitaker
Merrimack . . . . .	Edward W. Carter
Milford . . . . .	Charles S. Emerson George R. Foster Fred T. Wadleigh
Mont Vernon . . . . .	Arvid G. Erlando
Nashua—	
Ward 1 . . . . .	Blaylock Atherton Mabel Thompson Cooper



## Nashua—

Ward 1 . . . . .	George W. Underhill Charles I. Woodbury
Ward 2 . . . . .	Patrick J. Duclos Grace M. Griswold*
Ward 3 . . . . .	Wilfred J. Belanger Octave J. Goulet Hector Trombley
Ward 4 . . . . .	Thomas F. Sullivan Timothy J. Sullivan
Ward 5 . . . . .	J. Adelard Berube* Emile E. Marquis Joseph A. Moussette
Ward 6 . . . . .	Eulalie L. Fournier Robert St. Francois Frank B. Shea
Ward 7 . . . . .	Aimable B. Goyette John A. Ledoux Frank A. Lougee
Ward 8 . . . . .	Rodolphe Cormier Wilfred Grandmaison Anthony W. Joyce John D. Wilcox
Ward 9 . . . . .	William R. Hurbonovich Auguste Senechal*
New Boston . . . . .	Albert E. Shedd
New Ipswich . . . . .	William T. Thompson
Pelham . . . . .	Albert H. Jones
Peterborough . . . . .	Perkins Bass George A. Myhaver
Weare . . . . .	Frank H. Peaslee
Wilton . . . . .	Peter J. Dugan

## Cheshire County

Alstead . . . . .	Donald W. Moore
Chesterfield . . . . .	E. James Winslow

Dublin . . . . .	Charles R. Thomas
Fitzwilliam . . . . .	George F. Miller
Gilsum . . . . .	Pauline I. Hanson
Harrisville . . . . .	John N. Clark
Hinsdale . . . . .	Abbie H. Robertson
Jaffrey . . . . .	George H. Duncan
	Jason C. Sawyer
Keene—	
Ward 1 . . . . .	James H. Batchelder*
	Russell F. Batchelor
	Francis P. Callahan
	George F. Knowlton
Ward 2 . . . . .	Sidney S. Frissell
	Clifford W. Martin
Ward 3 . . . . .	Wakefield Dort
	Wilder F. Gates
Ward 4 . . . . .	Lawrence C. Ellery
	Harry C. Lichman
Ward 5 . . . . .	John M. Duffy
	Carl D. Roche
Marlborough . . . . .	Leon E. Wiswall
Marlow . . . . .	Albert W. Phelps
Richmond . . . . .	Stephen A. Bullock
Rindge . . . . .	Harris H. Rice
Stoddard . . . . .	William F. Lane
Swanzey . . . . .	Arthur B. Perry
	Bert W. Wheeler
Troy . . . . .	Elwin Smith*
Walpole . . . . .	Albert F. Chickering
	James T. Relihan
Westmoreland . . . . .	Glenn E. Britton
Winchester . . . . .	Frederick H. Ingham
	Luman R. Nelson

### Sullivan County

Charlestown . . . . .	Charles S. Hutchins
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Claremont . . . . .	Herbert J. Babcock Sydney B. Converse Clarence B. Etsler James E. Holt Earl F. Howe Perl L. Hutchins Charles B. Officer Charles H. Putnam Oney Russell George C. Warner
Cornish . . . . .	Harry D. Witherill
Croydon . . . . .	Herbert D. Barton
Grantham . . . . .	George W. Hastings*
Langdon . . . . .	William Hall
Newport . . . . .	Richard P. Donovan Leon E. Kempton Edward J. Maley Irving W. Rowell
Plainfield . . . . .	John W. Whitney
Sunapee . . . . .	Leo L. Osborne
Unity . . . . .	George S. Callum
Washington . . . . .	Arthur H. Davison

### Grafton County

Ashland . . . . .	Charles N. Swayne
Bath . . . . .	Adelbert W. Bailey
Benton . . . . .	Charles H. Tyler
Bethlehem . . . . .	George T. Noyes
Bristol . . . . .	John W. Coolidge
Campton . . . . .	Bertram W. Pulsifer
Canaan . . . . .	Allen C. Campbell
Dorchester . . . . .	Herbert H. Ashley
Enfield . . . . .	Herbert E. Walbridge
Franconia . . . . .	William P. Hodge
Grafton . . . . .	Shirley C. Leonard
Hanover . . . . .	Grace F. Batchelder

## Hanover—

Edgar H. Hunter

Francis V. Tuxbury

Haverhill . . . . . Ernest E. Craig

Frank R. Dean

George L. Strobridge

Hebron . . . . . Florence B. Smith

Holderness . . . . . Lester M. Avery

Lebanon . . . . . William J. B. Cannell

Harold C. French

Robert G. Dow

Frank F. Hough

Leon M. Howard

Florence Ward Hoyt

Lincoln . . . . . James A. Legassie

Lisbon . . . . . James E. Collins

Arthur L. Hamilton

Littleton . . . . . Robert E. Bowker

Jacob F. Hildebrand

Ada Agnes Soper

Henry F. Whitcomb

Lyman . . . . . Clyde B. Santy

Lyme . . . . . Frank H. Bailey

Orford . . . . . Edgar C. Lufkin

Plymouth . . . . . Kenneth G. Bell

Harry A. Merrill

Rumney . . . . . John Z. Taylor

Warren . . . . . Samuel H. Dreghorn

Woodstock . . . . . Harry D. Sawyer

## Coos County

## Berlin—

Ward 1 . . . . . Margaret H. Barden

Edward F. Hinchey

Elisabeth H. Mason

George R. Paine

Henry A. Smith

## Berlin—

Ward 2 . . . . .	Aristide T. Montminy Albert G. Palmer Clarence D. Smith Georgianna Trottier
Ward 3 . . . . .	Louis Bisson Marie A. Christiansen Raoul L. Ramsey
Ward 4 . . . . .	Esther C. Bixby Guy J. Fortier Rebecca Gagnon Victor N. Laforce
Colebrook . . . . .	James F. Congdon Oscar G. Kelsea
Columbia . . . . .	John R. Jackson
Dalton . . . . .	William O. Emerson
Dummer . . . . .	Bessie G. Stiles
Gorham . . . . .	George H. Keough Merton M. Willis
Jefferson . . . . .	William A. Crawford
Lancaster . . . . .	Arthur C. Cryan Harvey W. Hartford
Milan . . . . .	Elden J. Peabody
Northumberland . . . . .	Donald W. Marshall William F. Rowden
Pittsburg . . . . .	Harvey H. Converse
Randolph . . . . .	John H. Boothman,
Stark . . . . .	George J. Phelan
Stewartstown . . . . .	Fred H. Noyes
Stratford . . . . .	Harvey L. Hinman
Whitefield . . . . .	Charles McIntyre

Prayer was offered by Mr. Raymond Danforth of Acworth.

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\* Those marked with an asterisk were not present but appeared and qualified later as will be found in the daily proceedings of the House.

The Clerk called the House to order and stated that the first business before the House was the election of a temporary presiding officer.

Mr. Baker of Concord placed in nomination Mr. Barnard of Manchester and moved his election.

On a *viva voce* vote Mr. Barnard of Manchester was declared elected temporary presiding officer and was escorted to the chair by Mr. Wadleigh of Milford.

On motion of Mr. Hunter of Hanover the House proceeded to the election of a Speaker by ballot.

The presiding officer appointed Mr. Merrow of Ossipee, and Mr. Fecteau of Epping as a committee to receive, sort and count the ballots.

The committee reported the following results of the ballot:

Whole number of votes cast.....	409
Necessary to a choice.....	205
Robert H. Sanderson had.....	140
Ansel N. Sanborn.....	269

On motion of Mr. Sanderson of Pittsfield the election was made unanimous and Mr. Sanborn was declared elected Speaker and was escorted to the chair by Mr. Etsler of Claremont and Mr. Sanderson of Pittsfield.

The Speaker addressed the House as follows:

I take this opportunity to thank my friends for their splendid support and cooperation in electing me Speaker of this honorable and distinguished body. I realize that with positions of honor come responsibilities. Now that you have conferred upon me the honor of being Speaker, I pledge myself to the responsibility.

I have a few suggestions to offer in the belief that they will be both helpful and beneficial and with the thought that they will tend to a short and efficient session. The thirty standing committees of the House



are established to function not only for the interests of the several State Departments and Institutions but for the citizens of our state and as the agents of the House itself. It is my suggestion that each of these committees, soon after organization, invite the heads of the appropriate departments and institutions to appear and explain function and duties. I believe this will create a better understanding of the duties of committees and the problems facing members. May I also suggest that all House Bills and Resolutions be introduced at the earliest possible moment, that all committee hearings be advertised well in advance and that all members of committees be punctual in attendance, thus promoting complete, thorough and fair consideration of all matters and permitting rapid filing of reports upon pending matters. The importance of filing committee reports promptly cannot be over-emphasized because it is by action on these committee reports that the House completes the major portion of its business.

In my opinion there is no single word that will mean more to this body of men and women than the word "cooperation." Henceforth my time will be your time and my every effort will be to serve you for the best interests of our State.

Mr. Etsler, of Claremont, placed in nomination Cyril J. Fretwell of Concord for Clerk.

On motion of Mr. Sanderson, of Pittsfield, the Speaker was instructed to cast one ballot for Cyril J. Fretwell.

The vote was so cast and Cyril J. Fretwell was elected Clerk.

Mr. Etsler, of Claremont, placed in nomination Percy S. Congdon of Colebrook for Assistant Clerk.

On motion of Mr. Sanderson, of Pittsfield, the Clerk was instructed to cast one ballot for Percy S. Congdon.

The vote was so cast and Percy S. Congdon was elected Assistant Clerk.

Mr. Etsler, of Claremont, placed in nomination Guy S. Neal of Acworth for Sergeant-at-Arms.

On motion of Mr. Sanderson, of Pittsfield, the Clerk was instructed to cast one ballot for Guy S. Neal.

The vote was so cast and Guy S. Neal was elected Sergeant-at-Arms.

The above named officials then appeared and were duly qualified by taking the oath of their respective offices.

Mr. Etsler, of Claremont, placed in nomination H. Raymond Danforth of Acworth for Chaplain.

On motion of Mr. Sanderson, of Pittsfield, the Clerk was instructed to cast one ballot for H. Raymond Danforth.

The vote was so cast and H. Raymond Danforth was elected Chaplain.

CYRIL J. FRETWELL,  
*Acting Clerk for 1937-1938.*

Mr. Etsler, of Claremont, placed in nomination the names of Messrs. Harry S. Yeaton, Clifton B. Tarlson, Lenne C. Twombly and Sherman L. Greer, for door-keeper.

On motion of Mr. Sanderson, of Pittsfield, the Clerk was instructed to cast one vote for the above named candidates.

The above named officials then appeared and were duly qualified by taking the oath of their respective offices.

### Resolutions

On motion of Mr. Elkins, of Concord.

*Resolved*, That the Honorable Senate be informed that the House of Representatives has organized by the choice of Ansel N. Sanborn as Speaker, Cyril J. Fretwell as Clerk, Percy S. Congdon as Assistant Clerk

and Guy S. Neal as Sergeant-at-Arms and is now ready to proceed with the business of the session.

On motion of Mr. Barnard, of Manchester.

*Resolved*, That the Rules of the previous session of the House be the rules of this session with the following changes:

That the Revision of the Statutes Committee consist of twenty-three members, and the Judiciary Committee consist of twenty-one members.

That there be a Coordinating Committee appointed to advise with and assist the Speaker in expediting the business of the House; this committee to consist of ten members, one member to be appointed from each county.

Mr. Duncan, of Jaffrey, offered the following resolution.

*Resolved*, That the Clerk be and hereby is authorized and instructed to purchase forthwith two time clocks suitable for recording the daily attendance of the members of the House and install one in a suitable position near the main entrance to Representatives' Hall and the other near the Senate entrance thereto; and be it further

*Resolved*, That Rule thirty-three be and hereby is amended by striking out the whole thereof and inserting in place thereof the following:

"33. Each member shall seasonably and punctually attend to his duty in the House; and to show such attendance he shall record on the time clock on each legislative day after the second Tuesday of the regular session his first arrival at and last departure from the state house.

As soon as may be after the fifteenth day of February of each session the clerk shall prepare a register of the attendance of each member for the period of the session from its beginning until the fifteenth day of February, showing the proportion which the at-

tendance, as shown by the time clock record, of each member bears to the total time in which the House was in session during said period as shown by the journal, computing as full attendance all time to and including the second Tuesday but giving no credit for attendance before the opening of the daily first session or after the closing of the daily last session as shown by the journal. Said register shall be transmitted to the State Treasurer, who thereby shall be requested to pay to each member that proportion of fifty dollars (\$50.00) which the attendance of each member shall bear to the total time in which the House was in session during said period. And the same procedure shall be followed for the period ending on the fifteenth day of March and on the fifteenth day of April of each legislative session.

Upon the prorogation of the legislature the Clerk shall prepare a register of the attendance of each member for the entire legislative session, showing the proportion which the attendance, as shown by the time clock record, of each member bears to the total time in which the House was in session as shown by the journal, computing as full attendance all time to and including the second Tuesday but giving no credit for attendance before the opening of the daily first session or after the closing of the daily last session as shown by the journal. Said register, when transmitted to the State Treasurer, shall be his authority for the payment to each member of the proportion of fifty dollars (\$50.00) which the attendance of each member shall bear to the total time in which the House was in session during said legislature session, as full compensation for his services as representative, provided the proportions of one hundred fifty dollars, (\$150.00) as provided herein have been paid as requested.

If any member, having recorded his first daily ar-

rival, shall neglect to record his last departure, or *vice versa*, he shall be credited with attendance for one-half the time of that day's session as shown by the journal.

If any member shall fail or neglect to deliver his attendance card to the Clerk on or before the Wednesday following the week for which it was recorded, he shall be recorded as having been absent from all legislative sessions for that week.

No leaves of absence shall be granted except for absence on business of the legislature, in which case such absence shall be computed as full attendance on all sessions held during such absence;" and be it further

*Resolved*, That the Clerk be and hereby is authorized to employ such clerical and other assistance as may be required for the operation of the time clocks and the preparation of the registers, and to purchase such supplies as may be necessary; and the expense of installation, of supplies and of additional assistance shall be a charge upon the legislative appropriation.

The question being on the resolution.

(Discussion ensued)

Mr. Duncan, of Jaffrey, moved that the resolution be laid upon the table to be printed in the Journal, and made a special order for Tuesday, January 10 at 11:01 o'clock.

On a *viva voce* vote the Chair was in doubt.

Mr. Duncan asked for a division but subsequently withdrew his request.

On a *viva voce* vote the resolution was adopted and the resolution was laid upon the table to be printed in the Journal, and made a special order for Tuesday, January 10 at 11:01 o'clock.

Mr. Duncan, of Jaffrey, offered the following resolution:

*Resolved*, That distributors of time clocks be allowed to demonstrate their products to members of the House on Tuesday forenoon, January 10, 1939, at some suitable location in the State House subject to the approval of the Superintendent.

On a *viva voce* vote the negative prevailed,

Mr. Duncan asked for a division but subsequently withdrew his request.

Mr. Duncan demanded a roll call but subsequently withdrew his demand.

And the resolution was not adopted.

Mr. Maxham, of Concord, offered the following resolution:

*Resolved*, That the Speaker be authorized to appoint a reading clerk.

On the *viva voce* vote the resolution was not adopted.

Mr. Carpenter, of Wolfeboro, offered the following resolution:

*Resolved*, That the Clerk be authorized to secure the services of one stenographer for the use of the Speaker and Clerks and two for the use of the members.

On a *viva voce* vote the resolution was adopted.

Mr. Emerson, of Milford, offered the following resolution:

*Resolved*, That the Speaker of the House is hereby authorized to appoint the following employees of the House:

One custodian of mail and supplies, one warden of the coat room, one assistant warden of the coat room, one library messenger, one telephone messenger, five pages of the House and one page to the Speaker.

On a *viva voce* vote the resolution was adopted.

Mr. Osborne, of Sunapee, offered the following resolution:

*Resolved*, That unless otherwise ordered the hours for assembling of the House be at 11 o'clock in the



forenoon and 2 o'clock in the afternoon until January 20.

On a *viva voce* vote the resolution was adopted.

Mr. Simpson, of Bartlett, offered the following resolution:

*Resolved*, That the Honorable Senate be informed that the House of Representatives will be ready to meet the Senate in joint convention for the purpose of canvassing the votes for Governor and Councilors, agreeably to the Constitution and for the election of a Secretary of State, State Treasurer and Commissary General at 12 o'clock this afternoon.

On a *viva voce* vote the resolution was adopted.

Mr. Frederick Tilton, of Laconia, offered the following resolution:

*Resolved*, That the Committee on Judiciary be and hereby is authorized to employ the services of a stenographer and a messenger, and that the Committee on Appropriations be and hereby is authorized to employ the services of a stenographer.

On a *viva voce* vote the resolution was adopted.

### Recess

The Chair declared the House in recess for 1 hour.

### After Recess

### Senate Message

A message from the Honorable Senate announced that the Senate had passed the following resolutions:

*Resolved*, That the House of Representatives be informed that the Senate having assembled has organized by the choice of Robert O. Blood as President, Benjamin F. Greer as Clerk, Frank M. Ayer as Assistant Clerk, Raymond B. Lakeman as Sergeant-at-Arms, William W. Allen as Doorkeeper, and Ben-

jamin H. Bragg, as Messenger, and is now ready to proceed with the business of the session.

*Resolved*, That the House of Representatives be informed that the Senate will be ready to meet the House in joint convention for the purpose of canvassing the votes for Governor and Councilors agreeably to the provisions in the Constitution at 12 o'clock noon, and for the election of a Secretary of State, State Treasurer and Commissary General.

### Joint Convention

The Honorable Senate then came in, and the two branches being in Convention.

On motion of Senator Weston, District No. 11,

*Resolved*, That the Honorable Secretary of State be requested to lay before the convention the returns of the votes for Governor and Councilors cast in the last election.

The Honorable Secretary of State then appeared and laid before the convention the returns of the votes for Governor and Councilors cast in the last election.

On motion of Mrs. Soper, of Littleton,

*Resolved*, That the votes for Governor and Councilors be referred to a committee consisting of one on the part of the Senate and two on the part of the House, to examine, compare and count same, and report thereon.

The Chairman named as such committee, Senator Fairbank, of District No. 8, Mrs. Soper of Littleton, and Mr. Officer of Claremont.

### Report of Committee

Senator Fairbanks of District No. 8 for the joint committee, to whom was referred the return of the votes cast for Governor and Councilors at the last biennial election reported that they had examined,

compared and counted the same with the following result:

For Governor			
	Murphy, r	Sullivan, d	Chase, com.
Rockingham	15,696	7,698	32
Strafford	9,973	8,194	11
Belknap	5,718	3,720	10
Carroll	4,613	2,091	8
Merrimack	11,252	12,572	35
Hillsborough	29,733	28,033	80
Cheshire	7,331	3,341	7
Sullivan	5,907	3,060	21
Grafton	9,323	6,095	7
Coos	8,295	6,043	26
Totals	107,841	80,847	237

Francis P. Murphy having a plurality of all the votes was elected Governor.

### FOR COUNCILORS

#### First District

Harold K. Davison, r., Haverhill . . . .	21,333	
Herbert C. Lovejoy, d., Conway . . . .	11,900	
Plurality for Davison . . . . .		9,433

#### Second District

Oren V. Henderson, r., Durham . . . .	20,956	
William A. Grimes, d., Dover . . . . .	14,673	
Plurality for Henderson . . . . .		6,283

#### Third District

Thomas A. Murray, d., Manchester . .	22,360	
Frederick C. Miller, r., Manchester . .	14,161	
Plurality for Murray . . . . .		8,199

**Fourth District**

Arthur T. Appleton, r., Dublin . . . . .	17,888
William A. Molloy, d., Nashua . . . . .	14,474
Plurality for Appleton . . . . .	3,414

**Fifth District**

George H. Rolfe, r., Concord . . . . .	20,103
John W. Stanley, d., Concord . . . . .	16,786
Plurality for Rolfe . . . . .	3,317

The report was accepted.

On motion of Senator Page of District No. 6 it was voted to proceed with the election of a Secretary of State, State Treasurer and Commissary General.

Mr. Etsler, of Claremont, placed in nomination for Secretary of State, Enoch D. Fuller.

On motion of Mr. Sanderson, of Pittsfield, the Clerk was instructed to cast one ballot for Enoch D. Fuller and he was declared elected Secretary of State.

Mr. Etsler, of Claremont, placed in nomination for State Treasurer, F. Gordon Kimball.

On motion of Mr. Sanderson, of Pittsfield, the Clerk was instructed to cast one ballot for F. Gordon Kimball and he was declared elected State Treasurer.

Mr. Etsler, of Claremont, placed in nomination for Commissary-General Mr. Charles W. Howard.

On motion of Mr. Sanderson, of Pittsfield, the Clerk was instructed to cast one ballot for Charles W. Howard and he was declared elected.

**Resolutions**

On motion of Senator Butler, District No. 9,

*Resolved*, That a committee of five be appointed by the Chair to wait upon the Honorable Francis P. Murphy and inform him officially of his election as Governor of the State of New Hampshire and that the

Senate and House of Representatives are ready to receive any communication from His Excellency at such time as he may desire.

The chairman named as such committee Senator Butler, of District No. 9, and Senator Mahoney, of District No. 17, and Mrs. Cooper of Nashua, Mrs. Fozier of Exeter, and Mr. Boucher of Somersworth.

On motion of Senator Dale, of District No. 24,

*Resolved*, That a committee of three be appointed by the Chair to wait upon Harold K. Davison, Oren V. Henderson, Thomas A. Murray, Arthur T. Appleton, George H. Rolfe and inform them officially of their election to the Honorable Council.

The Chairman named as such committee Senator Dale, of District No. 24, and Mrs. Batchelder, and Mr. Rice of Rindge.

### Report of Committees

Senator Butler, of District No. 9, reported that the committee appointed to wait upon His Excellency, Francis P. Murphy, Governor, had attended to that duty and that His Excellency, the Governor, had a communication which he desired to make on Thursday, January 6, at 12 o'clock, noon.

The report was accepted.

Senator Dale, of District No. 24, for the committee appointed to notify Harold K. Davison, Oren V. Henderson, Thomas A. Murray, Arthur T. Appleton, and George H. Rolfe of their election as members of the Honorable Council, reported that it had attended to its duty and that the gentlemen named had accepted the office to which they had been elected.

The report was accepted.

On motion of Senator Cole, of District No. 22, the convention rose.

### Leaves of Absence

Representative-elect Smith of Troy was granted leave of absence for two weeks on account of illness.

Representative-elect Hastings of Grantham was granted leave of absence until further notice on account of illness.

### Resolutions

Mr. Baker of Concord offered the following resolution:

*Resolved*, That the Speaker be authorized to appoint a committee of three to procure and assign suitable hearing rooms for the various committees of the House.

On a *viva voce* vote the resolution was adopted.

The Speaker named as members of such committee Messrs. Saltmarsh and Hancock of Concord, and Sanderson of Pittsfield.

Mr. Elkins of Concord offered the following resolution:

*Resolved*, That the Speaker appoint a committee of two to assign seats to the members excused from drawing.

On a *viva voce* vote the resolution was adopted.

On motion of Mr. Elkins of Concord the drawing of seats was made in order at the present time.

On motion of Mr. Elkins of Concord at 2 o'clock the House adjourned from the morning session.

The Speaker immediately called the House to order in afternoon session.

### Afternoon

The Speaker announced the following appointments:

Warden of the Coat Room: Edwin Jones of Chester.

Assistant Warden of the Coat Room: Edgar Jacques of Laconia.



Library Messenger: Herbert M. Thyng of Barnstead.

Telephone Messenger: Cowling Hilton of Keene.

Custodian of Mail and Supplies: Harold Fournier of Concord.

Speaker's Page: Robert L. Stark of Goffstown.

Pages: Herbert S. Currier of Pelham, Maurice J. Oleson of Berlin, Carl Parsons of Dover, Bruce Singleton of Concord.

On motion of Mrs. Christiansen of Berlin at 5:05 o'clock the House adjourned.

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#### THURSDAY, JANUARY 5, 1939.

The House met at 11:00 o'clock.

Prayer was offered by the Chaplain.

#### Leaves of Absence

Mr. Maley of Newport was granted leave of absence for next week on account of State business.

Mr. Brown of Meredith was granted leave of absence for next week on account of important business.

The following telegram was read by the Speaker.

Hon. Ansel N. Sanborn.

Speaker House of Representatives.

Congratulations and best wishes to you and my friends of the House for happy harmonious and fruitful session.

FOSTER STEARNS.

#### Resolutions

On motion of Mr. Callahan of Keene,

*Resolved*, That when the House adjourns this morning it be to meet tomorrow morning at 9 o'clock, and

when the House adjourns tomorrow morning it adjourn to meet on Monday evening at 7:30 o'clock.

On motion of Mr. Barnard of Manchester,

*Resolved*, That the Honorable Senate be notified that the House of Representatives will be ready to meet the Senate in joint convention at 12 o'clock, noon, for the purpose of receiving His Excellency the Governor, and any communication he may be pleased to make, and for the transaction of such other business as may properly come before such convention.

On motion of Mr. Hunter of Hanover,

*Resolved*, That the rules of the House be amended to allow the addition of two members to the Committee on Ways and Means and five members to the Committee on State House and State House Yard.

On motion of Mr. Duncan of Jaffrey,

*Resolved*, That the Committee on Rules with such members as the Senate may join, be a committee on joint rules of the House of Representatives and the Senate.

On motion of Mr. Shaw of Franklin,

*Resolved*, That the Sergeant-at-Arms of the House be instructed to procure and furnish to each member of the House and officers thereof, during the days when the House is actively in session, one daily newspaper, published in the state, each member and officer to choose the paper he desires to have and indicate the same to the Sergeant-at-Arms forthwith.

On motion of Mr. Boynton of Hillsboro,

*Resolved*, That a committee of three be appointed by the Chair to assist the Clerk in procuring as soon as possible 2,500 copies of the legislative manuals, 1,000 paper-bound and 1,500 in substantially the same form and binding as that of 1937.

### Message From the Senate

A message from the Honorable Senate announced that the Senate had passed the following resolution.

*Resolved*, That the Senate will be ready to meet the House of Representatives in joint convention as suggested by the House message, at 12:00 o'clock, for the purpose of receiving His Excellency, the Governor, and any communication that he may be pleased to make, and for the transaction of any other business that may properly come before such convention.

### Appointment

The Speaker announced the following appointment: William Geminatis of Portsmouth was appointed page.

### Joint Convention

The Honorable Senate then came in and the two branches being in convention the Chair notified the committee previously appointed, to escort His Excellency, the Governor, to the House of Representatives.

Senator Butler of District No. 9 presented the following report:

The Committee appointed to await upon the Honorable Francis P. Murphy, and inform him officially of his election as Governor, reported that it has attended to its duty, that the Governor has accepted said office and will address the members of the House and Senate at his earliest opportunity.

The Governor-elect, attended by the Honorable Council and Council-elect then came in, and the Honorable Francis P. Murphy, Governor-elect, then took and subscribed to the oath of office and the oath of allegiance before the President of the Senate and in the presence of both branches of the legislature, where-

upon the Honorable Robert O. Blood, President of the Senate, made proclamation as follows:

Francis P. Murphy, having been duly elected Governor of New Hampshire, accepted the office and taken the oaths prescribed by the Constitution, I do hereby declare and proclaim His Excellency Francis P. Murphy Governor of the State of New Hampshire, to hold office during the period prescribed by the Constitution and Laws of the State, and I present Your Excellency with a copy of the Constitution of the State as a guide in the discharge of your official duties.

Rev. John T. Dallas, Episcopal Bishop of New Hampshire, offered the following invocation:

Most gracious God, we humbly beseech Thee, as for the people of this State of New Hampshire in general, so especially for their Governor, Council, Senate, and Representatives in General Court assembled; that Thou wouldest be pleased to direct and prosper all their consultation, to the advancement of Thy glory, the good of Thy Church, the safety, honour, and welfare of Thy people; that all things may be so ordered and settled by their endeavours, upon the best and surest foundations, that peace and happiness, truth and justice, religion and piety, may be established among us for all generations. These and all other necessities, for them, for us, and Thy whole Church, we humbly beg in the Name and mediation of Jesus Christ, our most blessed Lord and Saviour. Amen.

His Excellency then read the following message.

**Inaugural Message to the General Court of 1939  
delivered by Hon. Francis P. Murphy, Governor  
of the State of New Hampshire, at the  
beginning of his second term,  
January 5, 1939, 12 Noon.**

Two years ago, it was my pleasure to address to the General Court an inaugural message in which I dis-

cussed plans which I believed held solutions for a number of the important public questions confronting the people of New Hampshire.

So that there might be good understanding between executive and legislature, I took occasion to sketch the broad features of my own philosophy of government and the conceptions of social responsibility which would guide me in fulfilling my duties as governor.

To give practical expression to those thoughts, I recommended a balanced program of legislation which, if adopted, would in my opinion substantially better conditions in our state.

As I enter today upon my second term as chief executive, and glance back over the months that have passed, I cannot refrain from paying deserved tribute to the men and women who, two years ago, occupied the places where you are seated today—many, fortunately, here again this year—citizens whose understanding of public problems, whose judgment in finding answers to those problems, and in translating those answers into law, made it possible for us to go confidently to the people last fall, reporting the results of our stewardship, and to receive their approval.

In the course of these last two years, there were some disappointments. Naturally, mistakes were made. But, the legislature has not yet met anywhere, and the governor has not yet held office, that did not have their share of these.

Some of the laws that were enacted fell short of accomplishing all that was deemed desirable but the realization that objectives partially attained are better than none gained at all has been an ample source of comfort to all concerned.

It is well for us to remember that and, further, not to forget that meeting together under the golden eagle and the dome do not make us, for the time being, less subject than usual to the great law of compromise,

nor does our selection by the people as the instruments through which they will be governed make us one mite less liable to err in our individual judgments.

### **Importance of Co-Operation**

It is with that outlook upon the tasks that lie before us that I re-assume the duties and the obligations which attach to this office. It is with that same understanding spirit, I feel sure, that you, too, wish to approach the work of this session.

I have duties to perform, and you have yours; duties constitutionally separate but actually so closely related that it is only by fairest co-operation, and unity of action that we can hope to make this establishment of government function effectively.

So, I hope that during these months that we shall be working here together, we may hold steadily in mind the fact that we are here not as individual agents, responsible to ourselves alone, but rather as public trustees obligated to promote, to the best of our powers, the welfare of all the people.

### **Record of Last Administration**

It is customary, when a governor is being succeeded by another, for the retiring executive to address to the incoming legislature, at its first assembly, a farewell message in the form of a report in which he summarizes the accomplishments of the administration which is ending and describes the condition of the government at that time.

Since I am succeeding myself, there is no occasion to adhere to that form. Therefore, in order to save your patience, I shall make these words serve a two-fold purpose.

I shall take but little time in referring to the past for, even to list by title only the many good laws that were placed upon the statute books by the General



Court of 1937 and to discuss in the briefest way the more important administrative policies adopted, would consume more time than could now be spared either by you or by me.

But, while I shall not attempt to discuss these things in detail in this message I ask you to bear them in mind for they constitute important elements in the strengthened and broadened foundation upon which we shall proceed to build whatever additions and to make whatever alterations in our governmental structure changing requirements may dictate.

### Solve First Problems First

The General Court of 1939 will meet many problems requiring patient investigation and the exercise of impartial judgment, if they are to be solved in a manner that will be reasonably permanent and satisfactory.

To help you accomplish that, the best advice I can offer is this: that you do not defer action on questions that are highly controversial but, on the contrary, come to grips with them as early as possible.

The experience of other sessions shows that every day of delay only renders final action on such questions more difficult and oftentimes unnecessarily develops friction which adversely affects action on other un-related matters.

Once more this year, as usual, you will have demands made upon you which you cannot possibly meet. Thus, on the one hand, you will encounter stern warnings from taxpayers that you exercise strict economy in making appropriations and, on the other hand, you will meet an almost equally strong demand that existing public services or facilities be extended or that new ones be added.

Certainly, requirements so opposed can never be reconciled, the laws of arithmetic being what they are.

Yet, public statements have already been made and you will hear more of them before adjournment pretending that it is possible to maintain all the services now being rendered by the state and yet be able to reduce the costs of government.

### **Taxes and Expenditures**

Before this session ends, you will be sorely tried in seeking to provide funds necessary to the effective conduct of government in its expanding scope, without thereby imposing such a burden of taxes as would largely destroy the possibility of benefit from the increased expenditures.

To guide you in this dilemma, there is one voice that is speaking in the clear words of final authority and that is the voice of the people, who have warned us that the burden of taxation upon farms and homes and other real property has absolutely reached its limit and that, instead of considering heavier levies, serious thought must be given to ways and means whereby such taxes may be reduced.

You will be urged, no doubt, to study the possibilities of new sources of revenue but I advise you to approach these matters with gravity and caution.

No thoughtful citizen can contemplate the situation which prevails in our state at this time, without realizing that, if there ever was a moment when prudence should be exercised in matters of taxation, it is now.

Property valuations have been greatly affected, both by the slow process of economic change which is in progress all about us and by the sudden visitation of natural calamity.

The September storm did more than merely blow down trees. It created serious mal-adjustments in

the economic life of the people which will be the cause of much distress before they are corrected.

It brought confusion into tax problems, and has left us a heritage of losses in property which, probably, only long time can overcome.

The shrinkage in timberland valuations, resulting from the wind storm, has been accompanied by a decrease in the valuation of railroad property attributed to the economic ailments which have troubled railroads everywhere.

This decline, exceeding 17 per cent in the space of a single year, is so steep as to cause anxiety and wonderment among taxpayers for they realize only too well that the burden resting upon one group cannot be lightened without correspondingly adding to the load upon all the others.

### **Unemployment and Relief**

As far as expenditures are concerned, we are all keenly aware that the problem of un-employment is still with us and that, in spite of improved conditions in business, the relief of needy persons continues to be one of our major and costly responsibilities.

With all the money that has been spent, during the past two years, experience has clearly shown us that it is only by the stimulation of private industry and business through the restoration of confidence and the encouragement of individual enterprise that we can hope to discover a way to solve the problem of relief.

At this session, you will find it necessary to provide funds for meeting the increased costs of the old age assistance program, brought about by the reduction of the age limit from 70 to 65 years, beginning with January first, 1940, as provided by the legislature of 1937 and in accordance with the Social Security Act.

Studies which have been made for me indicate that this reduction in the age requirement will, by June

30, 1941, by conservative estimate, increase the state's contribution by \$225,000 or, 65 per cent over the present figure.

### Aid to Dependent Children

While we are particularly concerned with the plight of the needy aged in these stressful times, and all of us wish to be as generous with them as the resources of the state will permit, we cannot examine the reports of relief activities, in our own state and elsewhere, without wishing that somehow it might be possible to add to the funds available for such a worthy welfare undertaking as aid to dependent children or mothers' aid, as we have known it in New Hampshire for the past twenty-three years.

Inadequate funds for this purpose have resulted in the creation of a situation where the state is now caring for 350 mothers, with over 900 children, and there is a waiting list of 280 mothers or relatives, representing nearly 700 children.

To permit such a condition to persist would be contrary to the promptings of our hearts, yet if provision is to be made for those 280 cases on the waiting list an additional appropriation, possibly as large as \$150,000, will be needed.

With New Hampshire taking the lead in so many other activities, it is disturbing to have our state ranking lowest of all among the forty which extend aid to dependent children or to mothers.

Among these other states, the average number of children under 16 years of age who are receiving assistance through mothers' aid is 22 per thousand. In New Hampshire, it is 7 per thousand.

This is one phase of our public assistance program which evidently requires additional financing and I think such action on your part would meet with pub-

lic approval, especially since the federal government is expected soon to increase its participation in this form of assistance from one-third to one-half of the total amount of aid granted.

Furthermore, the extension of assistance to mothers' aid cases which are on the waiting list would be a measure of relief to towns now furnishing direct financial help to these groups which the state is morally obligated to relieve.

### Burden of Public Assistance

The extent of expenditures, by the federal, state and local governments, for the assistance of needy persons, in this small commonwealth, is enormous, running currently at the rate of nearly \$13,000,000 annually.

Of this large sum, the people of New Hampshire contribute about \$4,000,000 in the form of appropriations made for direct relief, and as state and local participations in programs under the Social Security Act. They contribute, too, in large measure, to the additional great sums received as grants from the federal government.

The size of those figures should make us pause when we come to consider appropriations for public assistance. The first of our duties is to the suffering and the needy. We have given the most formal pledges that no man, woman, or child shall lack food, shelter, and human comforts in New Hampshire and that pledge we shall all wish to redeem to the letter.

But we have a second great duty and that is to exercise prudence in the expenditure of money which the more fortunate among our people share with those in need.

So, in your deliberations on these problems, I urge you to continue to safeguard by strict state super-

vision all avenues of possible wastefulness in relief administration, especially those which would permit political interests to capitalize human misery.

### **New Activities**

Another problem which you will meet is the pressure that will be exerted in favor of new activities. You will, no doubt, be asked to commit the state to various innovations, nearly all of them requiring appropriations, and unless this legislature differs strangely from its predecessors there will be many requests for the extension of departmental and institutional activities.

The creation of new departments and commissions in our state government has always been the object of criticism and it is especially so in these times when the public is keenly tax conscious.

Realizing this hostility, you will need to be resolute in denying proposals which, while desirable enough, are not absolutely essential to the general welfare and only increase the costs of government.

I suggest that in acting upon measures of that nature, it would show good judgment on your part, if you followed the policy, wherever possible, of charging the costs to those who are principally to be benefited. That is one of the policies by which the last administration was guided and I believe it has the possibility of still wider application.

### **Policy of Self-Sustenance**

It was in accordance with that principle that the last General Court established the Board of Registration of Hairdressers, the Barbers Examining and Licensing Board, the Board of Accountancy, and the Milk Control Board. In every instance, the legislation was so drafted as to make each of those units self supporting, on a fee basis.



The operations of those bodies have proved of considerable value to the public as a whole yet they constitute no burden upon the general taxpayer.

Another noteworthy instance where this policy was applied during the last administration was in connection with the public recreational facilities developed by the state.

In the course of last summer, 342,000 people found happiness and relaxation at the many camping places, bathing beaches and picnicking grounds operated by the state, gladly paying the reasonable fees that were charged on the theory that those who benefited most from those public accommodations should pay somewhat more than the average taxpayer who, perhaps, never has occasion or opportunity to use them.

In the same way, during last summer, about 95,000 people, a considerable proportion of whom came from other states, visited the state bathhouse at Hampton Beach and, under a schedule of charges more moderate than those which prevail anywhere else on the Atlantic Coast for similar facilities, contributed more than the costs of seasonal operation.

In the course of the last two years the state has engaged in several other ventures where the public credit has been extended in order to insure construction and operation but where there exists independent earning power sufficient to liquidate all costs.

### Self-Liquidating Projects

Outstanding in this group is the now nationally famous aerial tramway on Cannon Mountain which, in its six months of operation, has transported 131,134 passengers.

At the time the erection of the tramway was under consideration, it was thought that net profits, before depreciation, for the first six months, would approximate \$21,500.

That estimate was extremely conservative for, in its first six months of operation, the tramway showed net profits, before depreciation, of \$90,765, or four times as much as was expected.

At that rate, it will probably have liquidated its costs by 1942 and, thereafter, will constitute a source of public revenue.

When considering those figures, sight should not be lost of the fact that the tramway has become a recreational asset of tremendous worth, gaining for New Hampshire nationwide publicity of untold value, and that, in one way or another, nearly every citizen in the state is profiting from its operations.

Another good example of self-liquidating public enterprise is the great flood control and conservation dam and lake which is being constructed on the upper waters of the Connecticut River by the state water resources board, at a cost of about \$2,300,000.

In due course, the Pittsburgh Reservoir will have liquidated its entire cost, out of income accruing from the sale of its stored water. Eventually, this great artificial lake which we are now creating will be listed among the physical assets of the state—like the mountains, the rivers and the lakes which nature gave us—and, like them, it will have cost us nothing.

In the fine state office building which has risen beside this capitol, we have still another type of self-liquidating project undertaken during the last two years.

As you know, the legislature appropriated the sum of \$600,000 for the purchase of land and the construction of the building. By promptness in acting, and by complete cooperation with the federal agencies concerned, we have been fortunate in securing from the national government a total grant of \$288,000, permitting the construction of a larger and finer edifice than had been planned originally.

When completed and occupied, which will probably be early in November, the new building will enable the state to show many financial economies and to secure gains in efficiency and convenience.

Most important of all, it will not result in an additional burden upon the taxpayers for, while the credit of the state has been pledged to secure the erection of the building, its entire cost will be liquidated by use of the monies which the state has until now been expending for the leasing and renting of space in privately-owned structures.

### Intangible Dividends

The success that has attended these ventures should encourage you to apply the businesslike principle of self-liquidation wherever feasible.

However, there will be cases where the hard dollars and cents rule cannot be adopted, cases involving the intangible values which reside in human character and in the relationships of men with other men and with their community.

The many developments sponsored by the state in the field of recreation have, for example, immense values as investments in improved public health, happiness and morals, in addition to the economic returns they generate.

These intangible factors must be taken into account when consideration is given to suggestions for the development and advertising of recreational resources.

The dividends in the form of social values that have already accrued from the comparatively small capital investments made by the state in recreational development are so great that it is not hard to justify moderate extensions.

And that is true of other public undertakings having to do with the conservation of human values

which, after all, constitute the supreme resource in the grand balance sheet of the state.

The last general court established a department of probation. A new division intended to deal with mis-directed lives; to guide those who have strayed from the path of law and honor; and to restore to useful social service those who, otherwise, might terminate their days in a prison cell, supported at the public expense in idleness and hatred.

The sum of \$25,000 a year was appropriated for the conduct of this essential work and the wise expenditure of those funds, since the department has been operating, has, beyond question, saved the state a very great sum of money.

Direct savings alone totalled \$57,000, or \$32,000 more than the entire annual cost of the department. To them, must be added the many indirect economies which have followed the conversion of nearly 150 persons from the condition of social liabilities to that of self-respecting wage earners, contributing to the income of the people of New Hampshire and bearing their share in the common burdens.

If due weight is given these factors, we can truthfully say that this new department has actually paid its way several times over.

In referring to these new units in our government, it was my intention to draw your thought to the fact that, instead of their being needless and costly additions to the state government, actually each one of them is serving a useful purpose and saving money for the taxpayers.

One of the best examples of this type of service is the department of state police, which came into existence a year and a half ago as a result of the consolidation of the highway motor patrol and the investigation division of the Attorney-General's office.

The expenditures of this new department in the last financial year amounted to \$172,579, of which \$150,000 came from highway funds, the balance from general funds.

When these costs are compared with the 1937 figures for the units which were merged to form the state police, and account is taken of the fines collected and due, it develops that the department—in spite of its greatly increased duties—actually cost the state only about \$26,000 additional last year.

It is a simple matter to justify this expenditure. To a considerable degree, it is due to the fact that the state police now cover some 13,500 miles of highway, or more than three times as many miles as the motor patrol used to cover.

Part of the \$26,000 was used to defray costs incident to the unusual number of major crimes which were investigated and prosecuted by the state police last year.

The benefits to the rural areas, resulting from the small additional expenditure, in the interest of human safety, and the protection of property, are so substantial as to warrant your favorable consideration of plans for strengthening the department, both in the way of increased personnel and added equipment.

One of the ways in which the efficiency of the state police can be greatly helped, is by providing them with a system of radio communication, which will make it possible for headquarters to maintain continuous contact with the cruiser cars, wherever they may be on the roads.

Other state activities, the real value of which it is difficult to estimate in terms of dollars and cents, are those relating to the advertising and the promotion of the state's advantages as a place in which to live, in which to establish an industry, or to enjoy a vacation or travel tour.



We shall, later, have cause for regret if we do not now display vision and courage in utilizing the rich natural resources of our state.

Recreation, to which people everywhere are turning with growing interest and in greater numbers, is estimated to be—in point of financial returns—the second most important of New Hampshire's industries and we have not yet begun to exhaust its possibilities.

We are fortunate, too, in that we possess many advantages of site, power, water, labor supply, living conditions, and transportation facilities which are most attractive to out-of-state manufacturers, large and small.

There should be no thought of curtailing appropriations for advertising and fostering the development of these resources and the good work that has already been done in the direction of industrial promotion should be encouraged by an appropriation which will make it possible to expand this valuable work.

### Fostering Agriculture

I have spoken of industry, and of recreation and the necessity for promoting them. Equally entitled to your help, from a strictly economic viewpoint, is the great industry of agriculture.

More deserving of our thoughts than any other, when regarded as a "way of life" for a large group among our people, agriculture must continue to have the benefit of programs designed to stabilize and improve it in all its branches.

To that, this administration is definitely pledged. I recommend that no reduction be made in funds heretofore provided for the eradication of infectious and contagious diseases among farm livestock; that arrangements be made whereby the University and the



agricultural experiment station may embark upon a program of scientific research designed to develop new and extended uses for farm products; that the operations of the state police be correlated with those of local authorities in such degree as may be practicable; that, within the limits of funds available, there be no relaxation in the work of improving rural roads, and, generally, that the needs of agriculture—our basic economic interest—be fostered in every possible way.

### **Educational Needs**

Supreme among all our public undertakings, however, is that of preparing and equipping the children of our state for the responsibilities they will be called upon to bear as adults.

In a world more rapidly changeful than that which our fathers knew; in a day when the application of technical science in industry and business has made a substantial background of education indispensable in pursuits that once were simple, greater care than ever is needed in order that our educational system may be kept adjusted to the changing requirements of life, and that the steady progress that has been made in the past may be continued.

While maintaining and striving constantly to improve the high standards which have so greatly benefited the people, the times warn us that we must also be alert to the need for broadening the objectives of the educational system as a whole, and adapting it to changing social needs.

### **Vocational Training**

We would fail in our duty to the young if we did not well prepare them for living, which is the object of education. We shall not realize our full duty unless we understand how difficult it is nowadays for young

people to attain and preserve good citizenship, and how hard it often is for them to meet the demands of modern economic life.

Surely, too, the concept of public education must be widened to include the adjustment of adult persons to new ways of living.

The progress that has already been made in our state, in the field of vocational education in agriculture, home economics, trade and industry, is most satisfying. I urge that the existing co-operative relationship between the state and the federal government, under the George-Deen and Smith-Hughes Acts, be extended to the maximum limit possible.

In order to relieve the worry and doubts which fill the hearts of numerous young men and women, anxious to work but unable to find their places in life, I favor a plan of collaboration between educational and business groups for the study of conditions and the devising of ways of helping young people to find employment.

And, for the benefit of older persons who, for one reason or another, have been displaced in the employment for which they were prepared,—and in order to help those of all ages who, through accident or sickness, have become unable to carry on their normal tasks—an effort should be made to provide increased facilities for vocational rehabilitation.

In that way, many now unwillingly on the relief rolls may be fitted for other occupations for which they are adapted.

### Traveling Libraries

I cannot leave this subject without referring to the unusual possibilities for helpfulness which are provided by the extension service of the public libraries of our state, more especially the work carried on in that field by the state library commission.

It is natural for us today to think of the libraries as a part of our educational system—along with home, school, church, playground, and work.

We oftentimes fail to appreciate the value of the wonderful collections of books which are available to those of us who live in the large centers and to forget that there are great numbers of men, women, boys and girls—dwelling in the sparsely settled sections of our state—who crave the educational treasures of libraries which only the large towns and cities provide.

A year ago, I approved the establishment of a book-mobile system whereby the library facilities of the state are brought to the door of the most isolated home. The results attained have been so satisfactory that I believe we should moderately expand this service.

There are so many things done for the benefit of those who live in the populous communities that I think we can well afford the small expense that would be involved in a larger traveling library system. In other states, a great deal has been done in this field. In Vermont, they have four bookmobiles; we have but one. They have 40,000 books available for this service, whereas New Hampshire has but 9,000.

When consideration is given the benefits that would be derived, the cost is seen to be small, indeed. In fact, for the money that we expend on the construction of two miles of concrete highway we could have a complete traveling library system, with plenty of books, operating continuously in all parts of the state.

I know of no expenditure which would do so much good as one for the enlargement of our present traveling library system. Its extension would strengthen every library; create new interest in establishing libraries; take books into parts of our state where they rarely go; create new interest in citizenship and in the day's work.

### Unemployment Compensation

As we survey conditions as they exist today, we can see numerous other important matters which call for attention. In the field of social legislation, there is apparent a need for further study and perhaps moderate revision of the unemployment compensation statute, if we are to maintain New Hampshire's position of leadership in that field.

That law, enacted two years ago, has fulfilled every expectation. It made it possible promptly and accurately, within the space of eleven months to pay to 35,000 workers benefits totalling \$2,500,000.

That distribution came to them, not as a form of welfare relief, but as money to which they were entitled. Those payments powerfully affected the costs of relief in New Hampshire and, unquestionably, exerted a true stabilizing effect upon business.

The elimination of employee contributions, which was sponsored as an administration measure two years ago, has proved to be sound and has saved to the workers of this state more than a million and a quarter dollars—money that was kept in circulation in New Hampshire for the benefit of our merchants.

There were predictions of early insolvency of the fund but, notwithstanding the huge sums which have been paid out in the form of benefits, there is more money available in the fund today than there was a year ago!

The experience that we have had thus far with the present law indicates that it might well be modified, especially by liberalizing those provisions relative to the waiting period which have been the cause of some misunderstandings.

I believe the law should receive your careful scrutiny to see if these conditions cannot be somewhat relaxed and, also, to ascertain whether a certain

amount of seemingly unnecessary and costly reporting by employers might not with advantage be eliminated.

In the administration of unemployment compensation, we have followed the policy of "paying-our-way-as-we-go" but we are equally committed to avoid the building up of needlessly large reserves.

In consequence, I recommend that thought be given to the desirability of establishing an upper limit to the unemployment compensation fund with flexible provisions relative to the size of the contributions.

That would make it possible over the years, in good times and bad, to maintain the fund at an established minimum figure and yet keep it in adjustment with varying demands.

The steady growth of interest in measures intended to compensate workers during periods of unemployment resulting from sickness gives us fair notice that the time is approaching when the provisions of the Social Security Law will be extended to cover the unemployment hazards that are born of ill health.

The risks of shut-downs and lay-offs are not the only ones faced by employees. Ill health is an even greater enemy of steady income.

Instead of delaying until legislation to meet this problem is enacted by the Congress, I feel that it will be wise if in New Hampshire we take the lead by undertaking an impartial investigation, based upon the records available in the Unemployment Compensation Division, with a view to determining the exact hazards of this nature as they are revealed by the past experiences of the workers of our state.

### Wages and Hours

The enactment of the National Wage and Hour Law has challenged us to apply to industries engaged in



intra-state commerce the same standards which now affect those occupied with interstate commerce.

The possibility of amending our present State Minimum Wage Law for that purpose, or the nature of new legislation that may be needed, will require careful study.

It is most satisfying to contemplate the great progress that has been made in New Hampshire in the application and fair administration of the principle of the Minimum Wage.

During the five years that the law has been on our statute books, we have led all other states which enacted our type of law in 1933.

At the present time, there are in effect in our state five minimum wage orders, applying to laundries, the clothing trade, restaurants, the hosiery and knit goods industries, and to beauticians. A sixth order, affecting employees in the retail trades, is now pending and will soon be established.

This is an excellent record and reflects the progressive and liberal outlook of New Hampshire people in matters affecting the employment of women and minors.

While endeavoring constantly to improve our laws relative to employment in industrial plants, we should not overlook the fact that, in order to escape regulation, certain groups of employers have been arranging to have a considerable amount of industrial work carried on in homes—work which formerly was done in factories.

That situation should be studied with a view to determining whether legislation may not be needed to assure to home workers in this group, standards of wages, hours, and other conditions which, generally, will be on a parity with those applying to factory employees.



The existing New Hampshire statute relating to the payment of wages applies only to employers of ten or more people, but there are a good many instances of businesses and individual employers having fewer employees than that where failures to pay have been reported.

It is my belief that we need a good wage collection law in this state, a law which will provide assurance to workers that wages earned will be promptly paid possibly, as is done in some other states, by empowering the Bureau of Labor to collect them.

I cannot refrain from commenting upon the enviable record which has been established in New Hampshire for handling labor controversies.

In these days of industrial unrest, it is good to note that all but three of the 26 cases which arose in the course of the last two years were adjusted to the satisfaction of all concerned.

The liberal attitude of our people in all things affecting the welfare of the working people, has placed New Hampshire in the company of those states which have taken an advanced stand in matters of social legislation.

At the last session of the General Court, great strides were taken in that direction, especially by the passage of a 48-hour law applying to manufacturing establishments; the improvement of the workmen's compensation law and the revision of the unemployment compensation statute.

It is your opportunity and your duty to maintain and improve New Hampshire's position in the field of progressive labor laws.

### Merit System Law

There, also, is great need in New Hampshire for a law which will classify wages and hours and establish suitable standards of working conditions throughout

the state government; which will insure equality of opportunity to all citizens seeking employment and advancement in the public service; and, at the same time, protect employers of the state from undue political influences.

For the enactment of a law embodying those principles, I renew my recommendation, in accordance with the pledges I have twice made to the people.

### State Highway System

Two years ago, the legislature established a secondary highway system to supplement the network of trunk line roads that had been constructed in the course of the last twenty years.

Since then, a great deal has been done to complete the unimproved portions of the secondary system, nearly 100 miles having been added in 1937 and about 75 miles in 1938, in addition to helping the towns improve their class five roads.

All of this work was financed out of Motor Vehicle fees and from the proceeds of the gasoline road toll. As a result, it has been necessary to curtail reconstruction on the trunk line roads, so much so that the state was not able to take advantage of federal aid allotments for 1938 and 1939. In fact, unless last year's allotment is matched by state funds prior to July 1, this year, we shall lose the entire allotment, amounting to about \$625,000.

Our recent difficulties in finding funds for highway purposes had their beginnings in the legislative session of 1933 when a bond issue amounting to \$1,800,000, was authorized, half the proceeds to be used for unemployment relief work on town roads in 1933 and half in 1934.

To finance this issue, the legislature of 1933 arranged that state aid construction would be cur-

tailed by \$225,000 in each year until 1942 and that the money saved in that manner would be passed into a sinking fund and used for the retirement of those bonds.

That plan was not followed for, in 1935, the legislature so amended the State Highway Law as, in effect, to make these bonds a direct charge thereafter on highway funds, without providing for temporary curtailment of any part of the highway program.

As a result of loading these charges—amounting to about \$278,000 in the financial year ended June 30, 1937, and about \$266,000 in the year ended June 30, 1938—upon the revenues of the Highway Department instead of making special provision for their retirement, as was originally intended, the department has been seriously handicapped by a shortage of construction funds.

How to overcome this is a problem. We know that it is out of the question to think of increasing the gasoline road toll, and certainly any suggestion that additional highway funds be raised by means of tax levies would encounter general disapproval.

Accordingly, there seems to be no other course open to the state than to proceed with a highway program within the limits of the income received from motor vehicle fees and the three-cent gasoline road toll.

It would be a serious blow to the state's highway program if the 1938 federal aid allocation were permitted to lapse, but funds for matching purposes can only be secured through a curtailment of some part of the highway work.

Another department which has its own sources of revenue but which has been having some difficulty in arranging its finances especially in this year of forest disaster is the Department of Fish and Game.

The operations of a branch of the government which is responsible for bringing nearly six million dollars

into the state each year are too valuable, and the development of our wildlife resources too important, to permit them to be interfered with by the uncertainties of its present financial set-up.

Business cannot operate effectively under such conditions, and neither can a governmental department.

Accordingly, I recommend to you that the affairs of the department be examined with a view to changing its status from that of a self-financing unit to one for which definite annual appropriations shall be made.

If the amount is properly determined, this addition to the budget will average to be offset over the years by departmental revenues covered in the general funds.

### **Flood Control**

One of the most serious problems with which you will have to contend is that which has been created by the United States government, without state consent as required by our law, in taking steps contemplating acquisition of title to lands in New Hampshire for flood control and, possibly, power development purposes.

This threat to the sovereign rights of the state is proceeding under the authority of the Federal Flood Control Act of 1938 and would violate the spirit of the State Land Use Law of 1935. Constitutionally these laws appear to be in conflict.

During the time that has elapsed since the interstate compacts for flood control were ratified by the legislature of 1937, every step legally possible has been taken by the state without success to adjust the differences between the federal and the state positions, so that co-operation in flood control might be had without the surrender of state sovereignty.

To become involved in costly litigation with the national administration with consequent long delays in undertaking needed flood control works, would be

unfortunate. We still entertain the hope that adjustments can and will be made and a common basis of action arrived at.

To make that result more easily possible, to protect the rights of the state, and to facilitate settlement of the important issues involved, I recommend that, by joint resolution, the legislature immediately create a special commission, which shall include the chief executive, the chairmen of the Land Use and Water Resources Boards, the Attorney General and additional competent legal and technical members, with power to employ necessary legal and technical counsel as may be required for the investigation of the problems involved in flood control, and to report their findings to the Governor and Council, together with recommendations of legislation deemed necessary.

### Forest Fire Hazards

I have already mentioned the possible effect upon the state's economy of the tremendous damage which was inflicted upon the woodlands of New Hampshire by the storm of last September.

There is another aspect, over which I am much concerned and to which I deem it my duty to invite your attention.

There is no need for me to recite the dangerous conditions which now prevail throughout large wooded areas of our state.

I only summarize the considered opinions of expert foresters and lumbermen, who have surveyed those districts, when I warn you, to anticipate in the spring, a condition of fire hazard such as has never before existed in this state, a serious hazard from which we can scarcely hope to be freed for several years.

With the assistance of the federal government, which will spend millions of dollars for the purpose,



New Hampshire is beginning the greatest logging operation ever undertaken.

While the work of timber salvaging will materially reduce the danger of forest fires, there is an absolute need, as an emergency measure, for initiating promptly an effective program of forest protection, in which state, local communities and private groups and citizens should co-operate.

The execution of such a program will require expenditures which cannot be met by the Department of Forestry and Recreation unless special funds are placed at its disposal, so I recommend that early consideration be given this matter and financial provision made in the form of an emergency appropriation for forest protection work.

In making this suggestion to you, I am sensible of a heavy responsibility for the safety of lives and property in the areas visited by the storm.

I feel that you, and all thinking citizens, should be aware of the exact situation so that steps may be taken to eliminate danger as far as possible.

### **Constitutional Convention**

The legislature of 1937 provided for the calling of a convention to revise the constitution, and, for that purpose, appropriated the sum of \$25,000. As you know, the convention met on Wednesday, May 11, last year, and finally adjourned on Wednesday, June 1.

Under our practice, the convention was a law unto itself. Its delegates were responsible only to the people. The appropriation proved to be too small for its purposes and, as a result, its cost exceeded the amount allocated by more than \$26,000.

This is a valid obligation upon the state, and I recommend that provision be made for validating it by the passage of a deficiency appropriation of suitable amount.



### State's Credit

The administration of 1937-1938 comes to a close with the finances of the state in excellent order and with the state enjoying the highest credit rating in all its history.

During these twenty-four months, we have not issued a single bond. We have had need for capital in excess of that available in the general funds, but, instead of obtaining money by floating long term bond issues, and committing the state to the payment over long periods of coupon interest rates, ranging from  $1\frac{3}{4}$  to 2 per cent, we have followed the practice of borrowing needed funds on short term notes.

In that manner, advantage has been taken of the abundance of money now available for loan, never paying more than one-tenth of one per cent, and, most recently, borrowing at eight one-hundredths of one per cent, the lowest rate ever paid by the state.

The savings in interest charges which have accrued from following this businesslike policy have amounted to a great many thousands of dollars during the last two years.

You may take pride knowing that, financially, the state is in an exceedingly sound condition, and its affairs reflect, in a public way, the good, solid, and sound traditions and principles characteristic of the individual lives of New Hampshire people.

Finally, I wish to tell you how sincerely I have looked forward to this further opportunity to serve the state that has been so good to me. The intimate knowledge of our government that has come during these two years has only served to make me prouder of New Hampshire and happier that I have been permitted to exercise this office.

For our state is distinguished among all the commonwealths in the union, for the high credit which

it enjoys in the markets of finance, for its thrift as evidenced by the extent of its banked savings; for the strong and persevering natures which its citizens have displayed during hard times, and for their high qualities of independence in thinking and in personal enterprise.

We are living in times when the world of action is fast expanding; when fresh pages are being rapidly written in the great book of human knowledge; and when the tasks of government are steadily becoming more numerous and difficult.

Whatever changes may come, however, we may be sure they will not in the slightest degree lessen the worth of those personal attributes of character which mankind has been building and refining since the beginning.

So, with all the worries and doubts which have arisen to perplex us, I have confidence that we are steadily moving forward. New Hampshire's past is a record of prosperity and great accomplishment. Its prospect over the future is even more splendid.

You are the one hundred and twenty-sixth in the long line of legislatures that have represented the people of this state. You may well be pleased to be here today, for those who preceded you have left a proud record of honest government and noteworthy achievement.

Yours is by far the largest of all state legislatures. The great size of this General Court gives it a broadly representative character which smaller legislative bodies can never attain.

The nearness of this legislature to the hearts of the people and, in consequence, its understanding of their needs and desires, makes its proceedings the outstanding example, in the whole world, of democracy functioning at its very best.

I have faith that you will meet the problems that will arise in the course of this session with the same courage and judgment your predecessors displayed and that, in everything, you will, like them, have the welfare of the people always in mind.

The Most Rev. John B. Peterson, Roman Catholic Bishop of New Hampshire, offered the following Benediction:

God of Our Fathers, Author of our liberties, humbly we beseech Thee to preserve America's precious heritage of freedom. Conscious that democracy's fate depends much upon its survival in our Republic, and in each individual State in the Union, we ask Thy blessing upon these Thy servants and the servants of Thy people who begin or continue State service here today. Into their hands is committed democracy's fate in New Hampshire. Help them, O God, in their awful responsibility. Let Thy prudence temper their deliberations. Let Thy Justice inspire their enactments. Fortify them fearlessly to withstand the self-seeking. Help them unselfishly to serve the common weal. Bless and guide our Governor. Let the majority confidence be at once his stay and his strength. Help our Senate to be true elders of the people, and the House truly representative of all. Thus make democracy to flourish in New Hampshire to its glory and for general emulation, and so help popular government to endure in our favored land. We ask it of Thee from Whom alone comes all authority of man over fellow-men, King of Kings and Lord of Lords. To Thee be honor and glory forever and ever. Amen.

### Resolutions

Senator Page, of District No. 6, offered the following resolution,

*Resolved*, That the Senate and House of Representatives in convention assembled this fifth day of Janu-

ary, 1939, has listened with gratification to the message of Governor Francis P. Murphy, and hereby express to him the high esteem in which we hold him and his conduct of his office.

On motion of Mr. Sanderson, of Pittsfield, the Clerk was instructed to procure the usual number of printed copies of the address of His Excellency, the Governor.

On motion of Senator Dale, of District No. 24, the convention rose.

### Standing Committees

The Speaker announced the following appointments to standing committees:

*Agriculture*—Pulsifer of Campton, Chickering of Walpole, Reid of Litchfield, Putnam of Claremont, Bailey of Lyme, Hastings of Grantham, Whitney of Plainfield, Perry of Swanzey, Clark of Salisbury, Dean of Haverhill, Holt of Claremont, Hale of Madbury, Quimby of Raymond, Currier of South Hampton, Young of Rochester, Bunten of Concord, Jackson of Columbia, French of Lebanon, Price of Gilmanton, Gale of Effingham, Marshall of Northumberland.

*Appropriations*—Boynton of Hillsborough, Hunter of Hanover, Seavey of Rochester, Rice of Rindge, Baker of Concord, Emerson of Hampstead, Daniels of Manchester, Hayes of Dover, Tilton of Ward 3, Laconia, Simpson of Bartlett, Elkins of Concord, Officer of Claremont, Bell of Plymouth, Willis of Gorham, Sawyer of Woodstock, Sanderson of Pittsfield, Osborne of Sunapee, Boucher of Somersworth, Duffy of Keene.

*Banks*—Atherton of Nashua, Swift of New London, Tilton of Concord, Tozier of Exeter, Officer of Claremont, Bass of Peterborough, Merrow of Ossipee, Knowles of North Hampton, Soper of Littleton, Hildebrand of Littleton, Dugan of Wilton, Whittaker

of Mason, Sanderson of Pittsfield, Normandin of Laconia, Charois of Greenville, Clark of Harrisville, Fecteau of Epping,

*Claims*—Maxham of Concord, Gates of Keene, Lucas of Dover, Sanborn of Chichester, Bisson of Berlin, Batchelder of Northfield, Brown of Goffstown, Bailey of Lyme, Adams of Belmont, Persson of Candia, Downs of Conway, Ballou of Laconia, Lougee of Nashua, Jean of Manchester, Carignan of Franklin, Sweeney of Manchester, Bouthiette of Manchester.

*Coastwise Improvements* — Adams of Hampton, Swift of New London, Pennell of Exeter, Sherry of Dover, Moore of Alstead, Yeaton of Portsmouth, Gay of Hillsborough, Pattee of Goffstown, Miller of Greenland, Rand of Deerfield, Hutchins of Claremont, Smith of Seabrook, Batchelder of Keene, Hier of Barnstead, O'Neil of Manchester, Ramsey of Berlin, Santy of Lyman.

*Education*—Tuxbury of Hanover, Hanson of Gilsom, Goodwin of Tilton, Hutchins of Charlestown, Smith of Hebron, Laughlin of Dover, Hoyt of Newington, Marston of Portsmouth, Cannell of Lebanon, Woodbury of Ward 3, Manchester, Witherill of Cornish, Pray of Rochester, Bullock of Richmond, Hebert of Somersworth, Crawford of Jefferson, Phelps of Marlow, Morrill of Canterbury.

*Elections*—Havican of Brentwood, Ashley of Dorchester, Woodbury of Nashua, Barron of Salem, Maxfield of Franklin, Callum of Unity, Cannell of Lebanon, Bills of Amherst, Hastings of Grantham, Knox of Sandwich, Batchelder of Keene, Habel of Somersworth, Clark of Francestown, McGowan of Manchester, Montminy of Berlin, Marquis of Nashua.



*Fisheries and Game*—Howe of Claremont, Carpenter of Wolfeboro, Dort of Keene, Converse of Pittsburg, Nelson of Winchester, Avery of Holderness, Jewell of Stratham, Thompson of New Ipswich, Rowden of Northumberland, Cheney of Newbury, Beede of Fremont, Lane of Stoddard, Strobridge of Haverhill, Hinman of Stratford, Leonard of Grafton, Boothman of Randolph, Pavaglio of Concord, Dempsey of Franklin, Trow of Bradford, Davison of Washington, Peabody of Milan, Gilmartin of Manchester, Frain of Manchester.

*Forestry and Recreation*—Chickering of Walpole, Collins of Lisbon, Foster of Milford, Hodge of Franconia, Noyes of Stewartstown, Wheeler of Swanzey, Lord of Gilford, Collins of Danbury, Cloues of Warner, Stuart of Wilmot, Ellery of Keene, Michie of Deering, Tyler of Benton, Campbell of Canaan, Willey of Newmarket, Durnin of Dover, Donovan of Newport.

*Incorporations*—Emerson of Dalton, Garland of Dover, Hayes of Farmington, Hayes of Barrington, Hall of Langdon, Bisson of Berlin, Dow of Lebanon, Barton of Croydon, Lichman of Keene, Woodbury of Ward 2, Manchester, Healey of Manchester, Guilbeault of Allenstown, Hurbonovich of Nashua, Carroll of Manchester, Sullivan, Thomas F., of Nashua, Durette of Manchester, Grandmaison of Nashua.

*Industrial School*—Myhaver of Peterborough, Gay of Hillsborough, Griswold of Nashua, Milburn of Dunbarton, Woodbury of Ward 2, Manchester, Shedd of New Boston, Berry of Strafford, Kimball of Manchester, Jewell of Wolfeboro, Smith of Troy, Roucher of Laconia, Thibodeau of Manchester, Trombley of Nashua, Brousseau of Manchester, Smith of Berlin, Clancy of Manchester, St. Laurent of Somersworth.



*Insurance*—Noyes of Bethlehem, Saltmarsh of Concord, Dunlap of Concord, Garland of Dover, Carpenter of Wolfeboro, Chase of Manchester, Tuxbury of Hanover, Creighton of Hampton Falls, Fransoso of Portsmouth, Bunten of Concord, Hambleton of Goffstown, Emerson of Dalton, Jones of Pelham, Ladouceur of Manchester, Palmer of Berlin, Dulac of Manchester, Lafond of Hooksett.

*Judiciary*—Etsler of Claremont, Bass of Peterborough, George of Concord, Grinnell of Derry, Tilton, Fred, of Laconia, Cooper of Nashua, Greenfield of Rochester, Wadleigh of Milford, Rollins of Alton, Sawyer of Jaffrey, Liberson of Portsmouth, Hamilton of Lisbon, Hoyt of Lebanon, Nash of Concord, Knowlton of Keene, Knowlton of Manchester, Normandin of Laconia, Mason of Berlin, Perkins of Pittsfield, Reinhart of Portsmouth, Wilcox of Nashua.

*Labor*—Tozier of Exeter, Avery of Holderness, Russell of Conway, Fernald of Dover, Gage of Manchester, Downs of Conway, Butterfield of Windham, Bourn of Exeter, Corson of Derry, Rivers of Laconia, Congdon of Colebrook, McPhee of Andover, Barden of Berlin, Cogan of Portsmouth, Mullen of Manchester, Shea of Nashua, Cronin of Dover.

*Laconia State School*—Goodwin of Tilton, Batchelder of Northfield, Maxfield of Franklin, Brown of Meredith, Dunlap of Concord, Collins of Danbury, Sanborn of Chichester, Pattee of Goffstown, Pilgrim of Dover, Brown of Goffstown, Dow of Lebanon, Caron of Manchester, Ward 10; Senechal of Nashua, Laforce of Berlin, Benoit of Manchester, Boisvert of Pembroke, Beaudoin of Rochester.

*Liquor Laws*—Conlon of Concord, Tilton of Concord, Underhill of Nashua, Phelan of Stark, Gelinis of Manchester, Foote of Portsmouth, Knowles of North

Hampton, Hancock of Concord, Lichman of Keene, Brown of Dover, Anderson of Sutton, Head of Manchester, Coakley of Concord, Kempton of Newport, Bixby of Berlin, Hebert of Somersworth, Dwyer of Manchester.

*Mileage*—Plummer of Milton, Barton of Croydon, Pilgrim of Dover, Lufkin of Orford, Tucker of Rye, Powers of Brookline, Fernald of Dover, Lord of Gilford, Anderson of Sutton, Palfrey of Portsmouth, Hartford of Lancaster, Aubin of Manchester, Houle of Manchester, Donnelly of Manchester, Roukey of Manchester, Smith of Berlin, Soucy of Manchester.

*Military Affairs*—Rowell of Northwood, Chase of Manchester, Putnam of Claremont, Blanchard of Farmington, Hamilton of Lisbon, Cheney of Newbury, Converse of Claremont, Noyes of Stewartstown, Pierce of Bennington, Persson of Candia, St. Francois of Nashua, Rousseau of Manchester, Wedwick of Manchester, Gauthier of Manchester, Gagne of Manchester, Connelly of Manchester, Lacroix of Manchester.

*National Affairs*—Foote of Portsmouth, Dreghorn of Warren, Ingham of Winchester, Winslow of Chesterfield, Prescott of Newton, Dort of Keene, Holt of Claremont, Noyes of Bethlehem, Bowker of Littleton, Batchelder of Keene, Constant of Manchester, DuDevoir of Hooksett, Boisvert of Manchester, Fortier of Berlin, Moussette of Nashua, Gaumont of Manchester, King of Dover.

*Normal School*—McPhee of Andover, Dreghorn of Warren, Callahan of Keene, Hinman of Stratford, Banfield of Moultonboro, Studley of Rochester, Rivers of Laconia, Avery of East Kingston, Ellery of Keene, Knox of Sandwich, Frizzell of Keene, Goodwin of

Hudson, Booth of Manchester, Paine of Berlin, Ouellette of Dover, Barry of Manchester, O'Brien of Manchester.

*Public Health*—Winslow of Chesterfield, Coolidge of Bristol, Soper of Littleton, Conlon of Concord, Kimball of Manchester, Milburn of Dunbarton, Jewell of Wolfboro, Converse of Claremont, Hutchins of Claremont, Trottier of Berlin, Greene of Laconia, Russell of Claremont, Maley of Newport, Conrad of Rochester, Howard of Lebanon, Gagnon of Berlin, Canty of Portsmouth.

*Public Improvements*—Emerson of Milford, Hayes of Barrington, Hepworth of Derry, Walbridge of Enfield, Plummer of Milton, Merrill of Loudon, Pray of Rochester, Fernald of Jackson, Vittum of Tamworth, Tuttle of Hancock, Brown of Meredith, Witherill of Cornish, Ingham of Winchester, Dugan of Wilton, Goodrich of Chester, Erlando of Mont Vernon, Harrison of Concord, Miller of Fitzwilliam, Brown of Manchester, Goulet of Nashua, Shea of Manchester, Ledoux of Nashua, Betley of Manchester.

*Revision of the Statutes*—Barnard of Manchester, Nichols of Boscawen, Osborne of Concord, Keough of Gorham, Bowker of Littleton, Banfield of Moultonborough, Sturtevant of Concord, Hutchins of Charlestown, Palmer of Plaistow, Myhaver of Peterborough, Batchelder of Hanover, Taylor of Rumney, Smart of Durham, Bailey of Bath, Cloues of Warner, Babcock of Claremont, Hough of Lebanon, Simpson of Laconia, Relihan of Walpole, Cormier of Nashua, Fecteau of Epping, Guay of Laconia, Shaw of Franklin.

*Soldiers' Home*—Studley of Rochester, O'Shan of Laconia, Thompson of Exeter, Bergholtz of Manchester, Michie of Deering, Callum of Unity, Duclos of

Nashua, Nesmith of Londonderry, Harrison of Concord, McIntyre of Whitefield, Young of Tuftonboro, Plante of Manchester, Dupont of Pembroke, Goyette of Nashua, Turcotte of Manchester, Phelps of Marlow, Lemire of Franklin.

*State Hospital*—Hoyt of Concord, Gates of Keene, Stiles of Dummer, Ashley of Dorchester, Tucker of Rye, Converse of Claremont, Osborne of Concord, Hayes of Farmington, Young of Tuftonboro, Martin of Keene, Wilson of Hollis, Caron of Manchester, Ward 12, Legasse of Lincoln, Berube of Nashua, Duval of Manchester, Dubois of Somersworth, Poirier of Manchester.

*State Prison*—Smith of Hudson, Morse of Sanborn-ton, Rand of Deerfield, Callahan of Keene, Havican of Brentwood, Key of Kingston, Duclos of Nashua, Fredrickson of Portsmouth, Gray of Portsmouth, Kemp of Concord, Ballou of Laconia, Emerson of Rochester, Letendre of Manchester, Sullivan, Timothy J. of Nashua, Joyce of Nashua, Driscoll of Manchester, Mahoney of Manchester.

*Towns and Counties*—Hall of Langdon, Fernald of Jackson, Burnham of Henniker, Powers of Brookline, Stowe of Auburn, Johnson of Manchester, Prescott of Newton, Frissell of Keene, Martin of Keene, Smith of Troy, Duffley of Manchester, Lagueux of Somersworth, Barry of Manchester, Hinchey of Berlin, Ber-langer of Nashua, Benoit of Manchester, Labranche of Newmarket.

*Transportation*—Mudgett of Conway, Peaslee of Weare. Cryan of Lancaster, Nickerson of Madison, Bergholtz of Manchester, Hoyt of Concord, Keay of Kingston, Christiansen of Berlin, Clark of Salisbury, Wilson of Hollis, Burkhardt of Portsmouth, Batchelor of Keene, Whitcomb of Littleton, Smith of New

Hampton, Woodbury of Bow, Yeaton of Epsom, Swayne of Ashland, Talty of Manchester, Potvin of Rochester.

*Ways and Means*—Morrow of Ossipee, Craig of Haverhill, Saltmarsh of Concord, Carter of Merrimack, Warner of Claremont, Freeman of Concord, Nelson of Hopkinton, Graham of Antrim, Britton of Westmoreland, Burbank of Derry, Blanchard of Farmington, Robertson of Hinsdale, Rowell of Newport, Neal of Meredith, Peaver of Salem, Thompson of Exeter, Kelsea of Colebrook, Thomas of Dublin, Duncan of Jaffrey, Merrill of Plymouth, Sullivan of Manchester, Roche of Keene, Charois of Greenville.

*University of New Hampshire*—Greenfield of Rochester, Keough of Gorham, Nickerson of Madison, Nichols of Boscawen, Foster of Milford, Moore of Alstead, Tarlson of Laconia, Smart of Durham, Smith of Newfields, Quimby of Raymond, Hough of Lebanon, Wiggin of Bedford, Kane of Manchester, Shea of Nashua, Nutter of Rollinsford, Fox of Manchester, Fournier of Nashua.

*Rules*—Speaker, Baker of Concord, Hunter of Hanover, Sanderson of Pittsfield, Etsler of Claremont, Osborne of Sunapee.

*Journal of the House*—Speaker, George of Concord, O'Neil of Manchester.

### Joint Standing Committees

*State House and State House Yards*—Baker of Concord, Seavey of Rochester, Hunter of Hanover, Rice of Rindge, Swift of New London, Palmer of Plaistow, Osborne of Sunapee, Sanderson of Pittsfield.

*State Library*—McPhee of Andover, Pennell of Exeter, St. Francois of Nashua.

*Engrossed Bills*—Batchelder of Hanover, Sawyer of Woodstock.

(Mr. Elkins of Concord in the Chair)

On motion of Mrs. Christiansen of Berlin at 2 o'clock the House adjourned.

FRIDAY, JANUARY 6, 1939.

The House met at 9 o'clock.

The following letter was read by the Clerk:

Friday, January 6, 1939.

Mr. George H. Nash,  
Concord, N. H.

DEAR SIR:

I shall be unable to attend the session on Friday morning. Will you kindly preside for me and oblige.

Yours respectfully,

ANSEL N. SANBORN,  
*Speaker.*

On motion of Mr. Baker of Concord at 9:01 o'clock the House adjourned.

MONDAY, JANUARY 9, 1939.

The House met at 7:30 o'clock.

The following letter was read by the Clerk:



Monday, January 9, 1939.

Mr. Leonard A. Fernald,  
Jackson, N. H.

DEAR SIR:

I shall be unable to attend the session on Monday evening. Will you kindly preside for me and oblige.

Yours respectfully,

ANSEL N. SANBORN,  
*Speaker.*

There being no quorum present at 7:31 o'clock the House adjourned.

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TUESDAY, JANUARY 10, 1939.

The House met at 11:00 o'clock.

Prayer was offered by the Chaplain.

#### **Leaves of Absence.**

Mr. Etsler of Claremont was granted leave of absence for Wednesday and Thursday on account of attending funerals.

Mr. Berube of Nashua was granted leave of absence for the day on account of illness in the family.

Mr. Johnson of Manchester was granted leave of absence for the day on account of important business.

Mr. Pilgrim of Dover was granted leave of absence until further notice on account of illness.

#### **Committee Report**

Mr. Saltmarsh of Concord for the Committee appointed to make assignment of rooms, presented the following report.

Agriculture—Room 120, State House  
Appropriations—Room 318, State House  
Banks—Room 301, State House  
Claims—Room 306, State House  
Coastwise Improvements—Room 2, 103 No. Main St.  
(opposite State House)  
Education—Room 300, Patriot Building  
Elections—Room 317, State House  
Fisheries and Game—Basement, State House  
Forestry and Recreation—Room 3, State Armory  
Incorporations—Room 302, State House  
Industrial School—Room 2, 130 No. Main St. (opposite  
State House)  
Insurance—Elks' Lodge Room, 170 No. Main St.  
Judiciary—Room 308, State House  
Labor—11 School Street  
Laconia State School—Room 2, 130 No. Main St.  
(opposite State House)  
Liquor Laws—Elks' Lodge Room, 170 No. Main St.  
Mileage—Room 317, State House  
Military Affairs—Room 102, State House  
National Affairs—Room 102, State House  
Normal School—Room 300, Patriot Building  
Public Health—Room 3, State Armory  
Public Improvements—Concord Chamber of Commerce  
Revision of Statutes—Room 317, State House  
Soldiers' Home—Room 102, State House  
State Hospital—Treasury Basement Vault, State  
House  
State Prison—Room 102, State House  
Towns and Counties—Concord Chamber of Commerce  
Transportation—Room 12, State House  
University of New Hampshire—Room 300, Patriot  
Building  
Ways and Means—Room 2, State Armory  
Rules—Room 204, State House

Journal of the House—Room 204, State House

State Library—State Library

Engrossed Bills—Room 204, State House

State House and State House Yards—Room 203, State House

The report was accepted.

### Resolutions

Mr. Gagnon of Manchester offered the following resolution:

*Resolved*, That the salary of the members of the House of Representatives be so divided that any member may receive one-quarter ( $\frac{1}{4}$ ) of his or her salary monthly, for the first three months, the balance to be paid at the adjournment of the session, and

*Be It Further Resolved*, that the mileage of the members of the House be paid every four weeks during the session.

On a *viva voce* vote the resolution was adopted.

Mrs. Batchelder of Hanover offered the following resolution:

*Resolved*, That the rules of the House be amended to allow the addition of two members to the Committee on Public Health, two members to the Committee on Coastwise Improvement, and two members to the Committee on Banks.

On a *viva voce* vote the resolution was adopted.

Mr. Coakley of Concord offered the following resolution:

*Whereas*, this House has learned with sorrow of the death of Representative-elect George F. McGirr of Concord,

*Therefore Be It Resolved*, That the Speaker appoint a committee of five to draw up suitable resolutions.

The resolution was unanimously adopted by a rising vote.

Mr. Tarbox of Marlborough offered the following resolution:

*Whereas*, this House has learned with sorrow of the death of Leon E. Wiswall, Representative-elect of Marlborough.

*Therefore Be It Resolved*, That the Speaker appoint a committee of five to draw up suitable resolutions.

The resolution was unanimously adopted by a rising vote.

Mr. Seavey of Rochester offered the following resolution:

*Whereas*, the Interstate Assembly has been called by the Council of State Governments and the American Legislators' Association, to be held on Wednesday, Thursday, Friday and Saturday, January 18 to 21, 1939, inclusive, at the Mayflower Hotel, Washington, D. C., to consider Federal and State tax policies on the basis of the recommendations submitted by the Interstate Commission on Conflicting Taxation, which was established four years ago by the First Assembly; and

*Whereas*, it is apparent that substantial benefits would result from closer contacts between the Legislative and Administrative Divisions of the various State Governments, and that many governmental difficulties are aggravated by the absence of adequate facilities for conference between these bodies; and

*Whereas*, the present economic emergency creates an imperative necessity now emphasized by the President's Program of Economic Security for joint council and concerted action; and

*Whereas*, it is believed that the moment has now arrived for establishing adequate means for communication and conference between the States and the Federal Government; and

*Whereas*, the House of Representatives of this State is invited to send as its delegates to this conference a

delegation of its members, to be chosen in such manner as this body may determine; therefore

*Be It Resolved*, That the House of Representatives of the State of New Hampshire hereby authorizes and instructs the Speaker to appoint two members in addition to himself as a delegation to the Interstate Assembly, which convenes in Washington, D. C., on January 18, 1939. Such delegation shall be without power to commit the House to action; and

*Be It Further Resolved*, That the said delegation shall be entitled to reasonable reimbursement for its reasonable expenses upon presentation of the proper statement of such expenses; and

*Be It Further Resolved*, That the Clerk of the House immediately advise the corresponding secretary of the conference in care of the American Legislators' Association, Drexel Avenue and Fifty-eighth Street, Chicago, Illinois, of the appointment of such delegation.

On a *viva voce* vote the resolution was adopted.

### Committees Appointed

Under the Laws of 1935, chapter 145, sections 2 and 3, the Speaker appoints the following committee on the New Hampshire Commission of Interstate Cooperation:

Ansel N. Sanborn, Wakefield; Ralph F. Seavey, Rochester; Louis P. Elkins, Concord; Robert H. Sanderson, Pittsfield; Harry D. Sawyer, Woodstock.

The Speaker appointed the following Committee:

*Co-ordinating Committee*—Hunter of Hanover, Etsler of Claremont, Seavey of Rochester, Barnard of Manchester, Rollins of Alton, Emerson of Hampstead, Merrow of Ossipee, Sanderson of Pittsfield, Duncan of Jaffrey, Jackson of Columbia.

### Communications

The following letter was read by the Clerk:

January 5, 1939.

TO THE SPEAKER OF THE HOUSE ANSEL N. SANBORN.

*Dear Mr. Speaker:*

The Concord Police Commission is well aware of the parking problem we have here in Concord and how it will affect the members of the Legislature, and we have sought to find a better means of accommodation for your members which would not involve undue inconvenience for other citizens who have business to transact with state departments, or for citizens who need to drive to Concord's business section for other purposes.

We have decided to try out a plan which is similar to the one we adopted when the last Legislature was in session. In this trial we would earnestly ask the co-operation of the members of the legislature.

The plan is to issue a wind-shield sticker to those members of the Legislature living outside the city of Concord who use their personal cars on official legislative business. Cars bearing such stickers will be exempted from parking time restrictions on days when the Legislature holds its three principal working sessions (Tuesdays, Wednesdays and Thursdays). These stickers will be issued to the members through the office of State Motor Vehicle Commissioner John F. Griffin, where they can be had upon application.

In granting this privilege, the Police Commission desires to call attention of the members to the fact that there are no parking restrictions on city streets west of State Street, except as may be especially marked or at fire hydrants, or on Center Street, one block north of the State House. It hopes the members who can conveniently do so will use these unrestricted areas as much as possible in order to avoid congestion near the State House, which, if it should become serious enough



under the plan, might force cancellation of the privilege now extended for the purpose of trial.

We hope that this plan will work to the advantage of members of the Legislature in seasonably attending the sessions and that co-operation in its operation will permit us to continue it.

In order that the members may understand this effort on our part, we hope that this letter may be read to the members at your first opportunity and that it be entered on your records.

Very truly yours,

The Concord Police Commission:

CHARLES L. JACKSON,  
*Chairman.*

DANIEL J. SHEA,  
GUY A. SWENSON.

On motion of Mr. Saltmarsh of Concord it was voted to extend the appreciation of the House to the Concord Police Commission for the privileges extended its members.

### Message From the Senate

A message from the Honorable Senate announced that the Senate has passed the following joint resolution, in the passage of which it asks the concurrence of the House of Representatives:

Senate Joint Resolution No. 1, Joint resolution relative to a commission for investigation of Flood Control and Power Development in New Hampshire.

Read a first and second time.

Mr. Etsler of Claremont moved that the rules of the House be so far suspended that the printing of the joint resolution and its reference to a committee be dispensed with and that it be put on its third reading and final passage at the present time.

The question being on the motion of Mr. Etsler.

Mr. French of Lebanon demanded a roll call but subsequently withdrew his demand.

(Discussion ensued)

Mr. Etsler of Claremont spoke in favor of the motion.

Messrs. Sanderson of Pittsfield, Hunter of Hanover and Sherry of Dover spoke against the motion.

On motion of Mr. Etsler of Claremont the joint resolution was put back upon its second reading.

Mr. Etsler of Claremont offered the following amendment: Amend said resolution by adding at the end the following:

A sum not to exceed five thousand dollars (\$5,000) be and hereby is appropriated for said inquiry and investigation, and the governor is hereby authorized to draw his warrant for said sum or so much thereof as is necessary out of the money in the treasury not otherwise appropriated.

On a *viva voce* vote the amendment was adopted.

On motion of Mr. Etsler of Claremont the rules were suspended, the printing of the resolution and its reference to a committee was dispensed with and the resolution was made in order for its third reading and final passage at the present time.

Read a third time and passed and sent to the Senate for concurrence.

### Special Order

Mr. Duncan of Jaffrey called for the special order, resolution regarding time clocks.

The question being on the resolution.

Mr. Duncan of Jaffrey spoke in favor of the resolution, Mr. Hayes of Dover spoke against the resolution.

Mr. Saltmarsh of Concord moved that the resolution be indefinitely postponed.

The question being on the motion of Mr. Saltmarsh.  
Mr. Duncan of Jaffrey demanded a roll call, and the roll was called with the following result.

**Yeas, 349**

ROCKINGHAM COUNTY: Stowe, Havican, Persson, Goodrich, Rand, Burbank, Corson, Grinnell, Hepworth, Avery of East Kingston, Fecteau, Bourn, Pennell, Thompson of Exeter, Tozier, Beede, Miller of Greenland, Emerson of Hampstead, Adams of Hampton, Creighton, Keay, Nesmith, Smith of Newfields, Hoyt of Newington, Labranche, Willey, Prescott, Rowell of Northwood, Palmer of Plaistow, Fransoso, Fredrickson, Reinhart, Foote, Gray, Marston, Yeaton, Canty, Cogan, Palfrey, Burkhardt, Liberson, Quimby, Tucker, Barron, Peever, Smith of Seabrook, Currier, Jewell of Stratham, Butterfield.

STRAFFORD COUNTY: Hayes of Barrington, Hayes of Dover, Loughlin, Sherry, Cronin, King, Ouellette, Fernald of Dover, Garland, Brown of Dover, Lucas, Durnin, Smart, Blanchard, Hayes of Farmington, Hale, Plummer, Conrad, Young of Rochester, Beaudoin, Potvin, Studley, Greenfield, Seavey, Nutter, Lagueux, Boucher, Hebert, St. Laurent, Dubois, Berry.

BELKNAP COUNTY: Rollins, Hier, Adams of Belmont, Lord, Price, Tarlson, Normandin, Tilton, ward 3, Laconia, Boucher, Tilton, ward 4, Laconia, Ballou, Greene, Neal, Smith of New Hampton, Morse, Goodwin of Tilton.

CARROLL COUNTY: Simpson of Bartlett, Downs, Mudgett, Russell of Conway, Gale, Fernald of Jackson, Nickerson, Banfield, Merrow, Knox, Vittum, Carpenter, Jewell of Wolfeboro.

MERRIMACK COUNTY: Guilbeault, MacPhee, Nichols, Woodbury of Bow, Trow, Sanborn of Chichester, Coakley, Dunlap, Kemp, Elkins, Hancock, Conlon,

Osborne of Concord, Saltmarsh, Sturtevant, Tilton of Concord, Bunten, George, Maxham, Harrison, Pavaglio, Collins of Danbury, Milburn, Yeaton of Epsom, Maxfield, Lemire, Dempsey, Burnham, DuDevoir, Lafond, Nelson of Hopkinton, Merrill of Loudon, Cheney, Swift, Batchelder of Northfield, Boisvert of Pembroke, Dupont, Sanderson, Clark of Salisbury, Anderson, Cloues, Stuart.

HILLSBOROUGH COUNTY: Bills, Graham, Wiggin, Powers, Michie, Clark of Francestown, Hambleton, Pattee, Tuttle, Boynton, Gay, Goodwin of Hudson, Smith of Hudson, Reid, Bergholtz, Chase, Daniels, Barnard, Gage, Barry of Manchester, ward 3, Dwyer, Shea of Manchester, Talty, Duffley, Frain, McGowan, O'Neil, Dulac, Healy, Lacroix, Mahoney, O'Brien, Barry of Manchester, ward 6, Booth, Connolly, Fox, Sullivan of Manchester, Benoit of Manchester, ward 7, Gagnon of Manchester, Gaumont, Jean, Poirier, Turcotte, Benoit of Manchester, ward 8, Bouthiette, Brousseau, Constant, Gelinis, Kane, Wedick, Boisvert of Manchester, Driscoll, Plante, Brown of Manchester, Caron of Manchester, ward 10, Gilmartin, Head, Carroll, Mullen, Roukey, Sweeney, Aubin, Durette, Letendre, Soucy, Gauthier, Ladouceur, Rousseau, Thibodeau, Whitaker, Carter, Emerson of Milford, Foster, Wadleigh, Erlando, Atherton, Cooper, Underhill, Woodbury of Nashua, Duclos, Griswold, Belanger, Goulet, Trombley, Sullivan, Thomas F. of Nashua, Sullivan, Timothy J. of Nashua, Marquis, Moussette, Fournier, St. Francois, Shea of Nashua, Goyette, Ledoux, Lougee, Cormier, Grandmaison, Joyce, Wilcox, Hurbonovich, Senechal, Shedd, Thompson of New Ipswich, Jones, Myhaver, Peaslee.

CHESHIRE COUNTY: Moore, Thomas, Miller of Fitzwilliam, Robertson, Sawyer of Jaffrey, Batchelder of Keene, Batchelor, Knowlton of Keene, Martin, Dort,

Gates, Ellery, Lichman, Duffy, Tarbox, Lane, Wheeler, Chickering, Relihan, Britton, Ingham, Nelson of Winchester.

SULLIVAN COUNTY: Babcock, Converse of Claremont, Etsler, Holt, Howe, Hutchins of Claremont, Officer, Putnam, Witherill, Barton, Hastings, Donovan, Kempton, Rowell of Newport, Whitney, Osborne of Sunapee, Callum, Davison.

GRAFTON COUNTY: Tyler, Noyes of Bethlehem, Pulsifer, Campbell, Ashley, Walbridge, Hodge, Leonard, Batchelder of Hanover, Hunter, Tuxbury, Craig, Dean, Strobridge, Avery of Holderness, Dow, Hough, Howard, Hoyt of Lebanon, Legassie, Collins of Lisbon, Hamilton, Bowker, Hildebrand, Soper, Whitcomb, Bailey of Lyme, Lufkin, Bell, Merrill of Plymouth, Dreghorn, Sawyer of Woodstock.

COOS COUNTY: Barden, Hinchey, Mason, Paine, Smith of Berlin, ward 1, Montminy, Palmer of Berlin, Trottier, Bisson, Ramsey, Bixby, Fortier, Laforce, Congdon, Kelsea, Jackson, Emerson of Dalton, Stiles, Keough, Cryan, Hartford, Peabody, Marshall, Rowden, Converse of Pittsburgh, Boothman, Noyes of Stewartstown, Hinman, McIntyre.

#### Nays, 40

ROCKINGHAM COUNTY: Knowles.

STRAFFORD COUNTY: Habel.

BELKNAP COUNTY: Guay, Rivers, Simpson of Laconia.

CARROLL COUNTY: Young of Tuftonboro.

MERRIMACK COUNTY: Morrill, Nash, Freeman, Shaw, Perkins.

HILLSBOROUGH COUNTY: Charois, Wilson, Knowlton of Manchester, Woodbury of Manchester, Ward 3, Caron of Manchester, Ward 12, Duval, Bass.

CHESHIRE COUNTY: Winslow, Hanson, Clark of Harrisville, Duncan, Callahan, Frissell, Roche, Phelps, Bullock, Perry.

SULLIVAN COUNTY: Russell of Claremont, Hall.

GRAFTON COUNTY: Swayne, Coolidge, Smith of Hebron, Cannell, French, Santy, Taylor.

COOS COUNTY: Christiansen, Gagnon of Berlin, Willis.

The resolution was indefinitely postponed.

On motion of Mr. Etsler of Claremont the House took a recess for one hour.

### After Recess

#### Introduction of Bills

On motion of Mr. Saltmarsh of Concord rules were suspended and the first and second reading of bills by their titles and joint resolutions by their captions were made in order.

The following bills were severally introduced, read a first and second time, laid upon the table to be printed and referred as follows:

By Mr. Pennell of Exeter, House Bill No. 1, An act relating to the procedure for the removal of town or school district officers. To the Committee on Judiciary.

By Mr. Lacroix of Manchester, House Bill No. 2, An act creating sub-offices for registration and licensing motor vehicles. To the Committee on Revision of Statutes.

By Mr. Lacroix of Manchester, House Bill No. 3, An act relating to licenses for motor vehicles. To the Committee on Revision of Statutes.

By Mr. Lacroix of Manchester, House Bill No. 4, An act in relation to licensing painters. To the Committee on Judiciary.



By Mr. Pennell of Exeter, House Bill No. 5, An act relating to warning town meetings. To the Committee on Towns and Counties.

By Mr. Joyce of Nashua, House Bill No. 6, An act relating to the legalizing of the game of Bingo or Beano so-called. To the Committee on Ways and Means.

By Mr. Pray of Rochester, House Bill No. 7, An act relative to interest on taxes. To the Committee on Revision of Statutes.

By Mr. Pray of Rochester, House Bill No. 8, An act relative to the method of inflicting capital punishment. To the Committee on Judiciary.

By Mr. Barron of Salem, House Bill No. 9, An act relating to horse racing and creating a State Racing Commission. To the Committee on Ways and Means.

By Mr. Stowe of Auburn, House Bill No. 10, An act relative to taxation of property of municipal waterworks. To the Committee on Ways and Means.

By Mr. Dupont of Pembroke, House Bill No. 11, An act relative to unemployment compensation. To the Committee on Labor.

By Mr. Young of Tuftonboro, House Bill No. 12, An act relating to exemptions from taxation. To the Committee on Judiciary.

By Mr. O'Brien of Manchester, House Bill No. 13, An act establishing a commission to raise additional revenue for the state and the cities and towns thereof. To the Committee on Ways and Means.

By Mr. Grinnell of Derry, House Bill No. 14, An act relating to the homestead right. To the Committee on Revision of the Statutes.

### Committee Appointments

Pursuant to the resolution previously adopted the Speaker announced the appointment of the following named members as a delegation to attend the Inter-

state Assembly in Washington, D. C., January 18 to 21, 1939.

The Speaker, Mr. Seavey of Rochester and Mr. Sanderson of Pittsfield.

### **Tellers Appointed**

The Speaker appointed the following as tellers:

Division 1—Perkins of Pittsfield.

Division 2—Roche of Keene.

Division 3—Callahan of Keene.

Division 4—Elkins of Concord.

Division 5—Saltmarsh of Concord.

### **Appointments**

The Speaker appointed the following Committee on Resolution on the death of Representative-elect Charles F. McGirr of Penacook: Coakley of Concord, Sanderson of Pittsfield, Nicholas of Boscawen, Saltmarsh of Concord, Shaw of Franklin.

The Speaker appointed the following Committee on Resolution on the death of Representative-elect Leon E. Wiswall, of Marlborough: Tarbox of Marlborough, Duncan of Jaffrey, Duffy of Keene, Hunter of Hanover, Wadleigh of Milford.

Mr. Etsler of Claremont, Chairman of the Judiciary Committee announced the appointment of Thelma Budway as stenographer, and Palmer Reed as messenger for the committee.

The Clerk of the House announced the appointment of Alice V. Flanders, Marion C. Colby, and Frances C. Barnard as House stenographers.

### **Qualified**

The following named Representatives having qualified before His Excellency, the Governor, appeared and took their seats as members of the House:

Messrs. Auguste Senechal of Nashua, Charles

Francis Adams of Hampton, Fortunat A. Normandin of Laconia, Raymond E. Jewell of Wolfeboro, Richard J. Barry of Manchester, Ward 3, Martin L. Mahoney of Manchester, Ward 5, Mrs. Grace M. Griswold of Nashua, Mr. Ray E. Tarbox of Marlboro.

On motion of Mr. Etsler of Claremont at 2:00 o'clock the House adjourned.

### Afternoon

The House was immediately called to order in afternoon session.

On motion of Mr. Etsler of Claremont at 2:30 o'clock the House adjourned.

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### WEDNESDAY, JANUARY 11, 1939.

The House met at 11:00 o'clock.

Prayer was offered by the Chaplain.

### Leaves of Absence

Mr. Knox of Sandwich was granted leave of absence for the day on account of death in family.

Messrs. Osborne of Sunapee and Dunlap of Concord, were granted leave of absence for Wednesday, January 11, on account of urgent business.

Messrs. Avery of Holderness and Rand of Deerfield were granted leave of absence for Thursday, January 12, on account of urgent business.

Mr. Warner of Claremont was granted leave of absence for the week on account of illness.

### Petition Presented and Referred

By Mr. French of Lebanon petition of Vernon W. King of Lebanon praying for a seat in the House.

Presented and referred to the Committee on Elections.

### Resolutions

Mr. Seavey of Rochester offered the following resolution:

*Resolved*, That the Clerk be authorized to procure additional copies of journals, bills and joint resolutions where the supply is exhausted.

On a *viva voce* vote the resolution was adopted.

Mrs. Cooper of Nashua offered the following resolution.

*Resolved*, That the members of the House of Representatives be permitted to smoke during sessions of the House.

On a *viva voce* vote the resolution was adopted.

### Concurrent Resolution

Mr. Lichman of Keene offered the following concurrent resolution:

**For the Observance of Lincoln's Birthday,  
February 12, 1939**

*Resolved by the Senate and House of Representatives  
in General Court convened:*

That the House of Representatives and the Senate of New Hampshire in joint convention make observance of Lincoln's Birthday under date of February 9, 1939, at twelve o'clock, noon, and that the Speaker of the House and the President of the Senate be authorized to arrange for a suitable address.

Read a first and second time.

On motion of Mr. Lichman of Keene the rules were suspended, printing of the resolution and its reference to committee was dispensed with and the resolution made in order for a third reading and final passage at the present time.

Read a third time and passed and sent to the Senate for concurrence.

### Bills and Joint Resolutions Introduced

The following bills and joint resolution were severally introduced, read a first and second time, laid upon the table to be printed and referred as follows:

By Mr. King of Dover, House Bill No. 15, An act to re-enact the law permitting horse racing and sale of pools. To the Committee on Ways and Means.

By Mr. Smith of Hudson, House Bill No. 16, An act closing Robinson pond in the town of Hudson to all fishing. To the Committee on Fisheries and Game.

By Mr. Emerson of Hampstead, House Bill No. 17, An act closing Angle pond in the towns of Hampstead and Sandown to ice fishing. To the Committee on Fisheries and Game.

By Mr. Michie of Deering, House Joint Resolution No. 1, Joint resolution for the construction and improvement of a road in the town of Weare. To the Committee on Public Improvements.

The Speaker declared the House in recess.

### After Recess

Introduction of bills and joint resolutions was resumed.

The following bills and joint resolutions were severally introduced, read a first and second time, and laid upon the table to be printed and referred as follows:

By Mr. Caron of Manchester, House Bill No. 18, An act providing for an investigation study and by an unpaid commission relative to horse racing operating pari-mutuel pools within New Hampshire. To the Committee on Ways and Means.

By Mr. Hancock of Concord, House Bill No. 19, An act relating to the sale of wines by restaurants. To the Committee on Liquor Laws.

By Mr. Saltmarsh of Concord, House Bill No. 20, An

act creating a retirement system for firemen. To the Committee on Judiciary.

By Mr. Wadleigh of Milford, House Bill No. 21, An act relating to insurance policy forms, endorsements and rates. To the Committee on Insurance.

By Mr. Wadleigh of Milford, House Bill No. 22, An act relating to fees charged foreign insurance companies. To the Committee on Insurance.

By Mr. Coolidge of Bristol, House Bill No. 23, An act relating to ice fishing in Newfound Lake. To the Committee on Fisheries and Game.

By Mr. Ellery of Keene, House Bill No. 24, An act to provide for the regulation of billboards, signs and other forms of outdoor advertising. To the Committee on Judiciary.

By Mr. Ellery of Keene, House Bill No. 25, An act prohibiting night work for women and minors. To the Committee on Labor.

By Mr. Boynton of Hillsboro, House Joint Resolution No. 2, Joint resolution providing for state advertising at the New York World's Fair. To the Committee on Appropriations.

By Mr. Hutchins of Claremont, House Joint Resolution No. 3, Joint resolution in favor of Edgar M. Gaudette, Administrator. To the Committee on Claims.

### Senate Message

A message from the Honorable Senate announced that the Senate has voted to concur with the House of Representatives in its amendment to the following joint resolution:

Senate Joint Resolution No. 1, Joint resolution relative to a commission for investigation of Flood Control and Power Development in New Hampshire.

On motion of Mr. Baker of Concord the House recessed until 1:59 o'clock.



**After Recess****Communication**

The following letter was read by the Clerk:

Honorable Ansel Sanborn, Speaker,  
House of Representatives,  
Concord, New Hampshire.

*Dear Mr. Sanborn:*

On the occasion of starting your first week of regular business, I want to take this opportunity of expressing to you, and through you, to the members of the House of Representatives, my best wishes for a successful legislative session.

During the years I served as Governor of New Hampshire, I greatly enjoyed my associations with members of the Legislature, and although my position in the United States Senate necessitates my being in Washington all during the legislative session, I am deeply interested in the work of the Legislature and follow its progress closely.

With every good wish, I remain

Sincerely yours,

H. STYLES BRIDGES,  
*United States Senator.*

**Qualified**

Representatives Napoleon A. Habel of Somersworth and J. Adelard Berube of Nashua having qualified before His Excellency, the Governor, appeared and took their seats as members of the House.

**Introduction of Bills**

Introduction of bills was resumed.

By Mr. Bowker of Littleton, House Bill No. 26, An

act relating to documents in the office of the insurance commissioner. To the Committee on Insurance.

By Mr. Chase of Manchester, House Bill No. 27, An act relating to foreign casualty insurance companies. To the Committee on Insurance.

By Mr. Chase of Manchester, House Bill No. 28, An act relating to licenses and examinations of domestic insurance companies. To the Committee on Insurance.

By Mr. Noyes of Bethlehem, House Bill No. 29, An act relating to reinsurance with unadmitted companies. To the Committee on Insurance.

By Mr. Noyes of Bethlehem, House Bill No. 30, An act relating to incorporation of insurance companies. To the Committee on Insurance.

By Mrs. Charois of Greenville, House Bill No. 31, An act relating to taking of hares and rabbits. To the Committee on Fisheries and Game.

### Resolution

Mr. Coakley of Concord offered the following resolution:

*Whereas*, We have learned with sorrow of the death of Representative-elect, George F. McGirr of Concord,

*Be It Resolved*, That we, the members of the New Hampshire House of Representatives attest our sorrow and extend our heartfelt sympathy to the wife of the Representative-elect, and be it further

*Resolved*, That a copy of these resolutions be transmitted to the bereaved wife.

CHARLES P. COAKLEY,  
ROBERT H. SANDERSON,  
MAURICE S. NICHOLS,  
DONALD W. SALTMARSH,  
JAMES S. SHAW,

*Committee.*

The resolution was unanimously adopted by a rising vote.

On motion of Mr. Baker of Concord the House adjourned from morning session.

### Afternoon

The House was immediately called to order in afternoon session.

On motion of Mr. Guay of Laconia at 2:30 o'clock the House adjourned.

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## THURSDAY, JANUARY 12, 1939.

The House met at 11:00 o'clock.

Prayer was offered by the Chaplain.

### Leave of Absence

Mr. Pulsifer of Campton was granted leave of absence for the day on account of important business.

### Bill Engrossed

Mrs. Batchelder of Hanover for the Committee on Engrossed Bills, reported that the committee had examined and found correctly engrossed the following entitled joint resolution:

Senate Joint Resolution No. 1, Joint resolution relative to a commission for investigation of flood control and power development in New Hampshire.

The report was accepted.

### Petition Presented and Referred

By Mr. Hancock of Concord petition of Bert P. Shore of Lebanon praying for a seat in the House.

Presented and referred to the Committee on Elections.

### Committee Report

On motion of Mr. Sanderson of Pittsfield the rules were suspended to allow of the introduction of a committee report which had not been previously announced in the Journal.

The Committee on Appropriations, to whom was referred House Joint Resolution No. 2, Joint resolution providing for state advertising at the New York World's Fair, reported the same with the recommendation that the joint resolution ought to pass.

The report was accepted.

On motion of Mr. Sanderson of Pittsfield the rules were suspended and the joint resolution was made in order for its third reading and final passage at the present time by its caption.

The joint resolution was then read a third time and passed and sent to the Senate for concurrence.

### Resolutions

On motion of Mr. Callahan of Keene,

*Resolved*, That when the House adjourns this morning it be to meet tomorrow morning at 9:00 o'clock, and when the House adjourns tomorrow morning it adjourns to meet on Monday evening at 7:00 o'clock.

On motion of Mr. Ellery of Keene,

*Resolved*, That the state planning and development commission be requested to consider the advisability and possibility of holding the Olympic Games Winter Sports in this state in 1944 and present their recommendations to this legislature not later than April 2, 1939.

Mr. Kimball of Manchester offered the following resolution:

*Be It Resolved*, That the Sergeant-at-Arms secure attendance slips to be in the anti-room on all working days of Legislature, not including Monday and Friday,

unless the House be in actual session and working. Each member shall sign the same each day and at the end of the session the attendance of each member shall be figured, those members who have had eighty per cent attendance shall have their full salary of two hundred dollars and those with less shall forfeit the last one-fourth of the same. If not practical to issue checks at close of session, they may be mailed to the members.

The question being on the resolution.

(Discussion ensued)

Messrs. Kimball of Manchester and Duncan of Jaffrey spoke in favor of the resolution.

Mr. Chase of Manchester rose to a point of order and called attention to members of Article 26 of the Rules of the House.

The Speaker ruled the resolution out of order.

Mr. Martin of Keene offered the following resolution:

*Resolved*, That an opinion on salaries of members be secured from the Supreme Court.

Question being on the resolution.

(Discussion ensued)

Messrs. Duncan of Jaffrey and Shaw of Franklin spoke in favor of the resolution.

On a *viva voce* vote the Chair was in doubt.

Mr. St. Francois of Nashua called for a division.

A division being had the vote was declared manifestly in the affirmative and the resolution was adopted.

### Bills and Joint Resolution Introduced

The following bills and joint resolution were severally introduced, read a first and second time, and laid upon the table to be printed and referred as follows:

By Mr. Coolidge of Bristol, House Bill No. 32, An act relating to licenses for hunting and fishing. To the Committee on Fisheries and Game.

By Mr. Baker of Concord, House Bill No. 33, An act relating to the practice of dentistry. To the Committee on Public Health.

By Mr. Relihan of Walpole, House Bill No. 34, An act relating to the taking of hares and rabbits. To the Committee on Fisheries and Game.

By Mr. Boucher of Somersworth, House Bill No. 35, An act relating to the charter of the city of Somersworth. To the Committee on Judiciary.

On motion of Mr. Boucher of Somersworth the rules were suspended, the printing of the bill dispensed with and the bill referred to a special committee consisting of the Delegation from the city of Somersworth.

By Mr. Pennell of Exeter, House Bill No. 36, An act relating to the preservation of ballots at town or school district meetings. To the Committee on Judiciary.

By Mr. Rousseau of Manchester, House Bill No. 37, An act relating to the hours of sale of "on-sale" beverages. To the Committee on Liquor Laws.

By Mr. Saltmarsh of Concord, House Bill No. 38, An act relating to cancellation of accident and health insurance policies. To the Committee on Insurance.

By Mr. Saltmarsh of Concord, House Bill No. 39, An act relating to the salary of the deputy insurance commissioner. To the Committee on Insurance.

By Mr. Woodbury of Manchester, House Bill No. 40, An act prohibiting the publication by county officials of names of persons receiving soldiers' aid. To the Committee on Revision of the Statutes.

By Mr. Hutchins of Charlestown, House Joint Resolution No. 4, Joint resolution in favor of Guy S. Neal and others. To the Committee on Appropriations.

On motion of Mr. Fernald of Dover at 11:40 o'clock the House adjourned.



FRIDAY, JANUARY 13, 1939.

The House met at 9 o'clock.

The following letter was read by the Clerk:

Friday, January 13, 1939.

Mr. George H. Nash,  
Concord, N. H.

DEAR SIR:

I shall be unable to attend the session on Friday morning. Will you kindly preside for me and oblige.

Yours respectfully,

ANSEL N. SANBORN,  
*Speaker.*

On motion of Mr. Elkins of Concord at 9:01 o'clock the House adjourned.

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MONDAY, JANUARY 16, 1939.

The House met at 7:00 o'clock.

The following letter was read by the Clerk:

Monday, January 16, 1939.

Mrs. Ada A. Soper,  
Littleton, N. H.

DEAR MADAM:

I shall be unable to attend the session on Monday evening. Will you kindly preside for me and oblige.

Yours respectfully,

ANSEL N. SANBORN,  
*Speaker.*

On motion of Mr. Fernald of Jackson at 7:01 o'clock the House adjourned.

## TUESDAY, JANUARY 17, 1939.

The House met at 11:00 o'clock.

Prayer was offered by the Chaplain.

**Leaves of Absence**

Mr. Ellery of Keene was granted leave of absence for the day on account of important business.

Mr. Turcotte of Manchester was granted leave of absence for the day on account of attending a funeral.

Messrs. Hamilton of Lisbon, Legassie of Lincoln, and Warner of Claremont were granted leave of absence for the week on account of illness.

Cheshire County Delegation was granted leave of absence for Wednesday, January 18, to attend a flood control meeting at City Hall, in Keene.

**Bill Engrossed**

Mrs. Batchelder of Hanover, for the Committee on Engrossed Bills, reported that the committee had examined and found correctly engrossed the following entitled House Joint Resolution No. 2, Joint resolution providing for state advertising at the New York World's Fair.

The report was accepted.

**Resolutions**

On motion of Mr. Atherton of Nashua,

*Resolved*, That William Molloy, former member of the House, be allowed to address the House this morning, to pay tribute to departed members of the 1937 Legislature.

Mr. Molloy addressed the House as follows:

*Members of the House of Representatives:*

It is a genuine pleasure for me to return here today, even if it is but for a brief moment, and to stand out

here before you. It is easy to recall the pleasant associations and friendships of the past four sessions of the General Court. There were humorous as well as serious periods in those intervals. The heat of debate, and some of the members here today will remember that we engaged in some beauties, never seared our dispositions, even though our tempers momentarily were at razor edge at times. The barbs we hurled never dug very deep and were tossed because we believed that in our own individual bubbling ways we were doing for the best interests of our State and for the people we served. It was an interesting chapter in the book of experiences and I am sure that you, like myself, do not regret the service you are rendering the State.

But as I look out on you today I am struck with the realization that time in its march is inexorable. Many familiar faces are missing in this Assembly. The faces of men, and women, who have contributed much to the progress in our State, are no longer here. Today in a small way I would like to pay my tribute to them, as a friend, and to recognize the great loss which the State has suffered in their passing. I refer to Colonel Charles B. Hoyt of Sandwich, a great gentleman, a great public servant and one of the finest characters I have ever known. I refer to William J. Callahan, the dean of the House for a great many years, loved and respected by friend and foe alike. No comment on the contribution which men have made to the betterment of our State, through legislative service would be complete without a tribute to the late George D. Cummings, Dennis J. McDonough, Wm. King and Mark H. Winkley. They were my friends and the friends of many of you in the House today.

It would seem proper and fitting that some recognition today should be paid them, in a humble way, for

their contribution to our prosperity and happiness. I pay my respects to them today as a private citizen, and in closing suggest that you honor their service in the time honored legislative form by adjourning today in their memory.

In closing may I wish you a short and harmonious session.

Mr. Woodbury of Manchester, Ward 2, offered the following resolution:

*Whereas*, our own country has fortunately been free of the savagery that has manifested itself in Russia, Mexico, Spain, Germany and elsewhere, and our government has seen fit to voice its protest to this persecution in principle. At the same time it has rightly held the peace and security of its own citizens paramount and has refused to take sides in the fiercely partisan issues that divide Europe and that are themselves the root cause of this persecution, and

*Whereas*, as presently phrased, that policy of neutrality embraces civil as well as international conflict. This is as it should be, considering that the issues involved in the Spanish civil war are universally admitted, by partisans on both sides as well as by the impartial, to transcend not only Spain but even Europe.

*Therefore, be it Resolved*, That we, the members of the New Hampshire House of Representatives, do most vigorously condemn lifting the embargo on shipments of war materials to Spain and favor continuing the policy of neutrality as enunciated in an Act of Congress of August 31, 1935, which made the export of arms, ammunition, and implements of war from the United States to any belligerent state unlawful whenever the President found that there existed a state of war between two foreign states and also an Act of Congress of August 31, 1935, relating to Civil strife in any country.

*Be it Further Resolved*, That the Clerk be instructed to send a copy of such resolution to each of our Senators and Representatives in Congress, upon its passage.

The resolution was read, laid upon the table to be printed and referred to the Committee on Military Affairs.

On motion of Mr. Saltmarsh of Concord.

*Resolved*, That the rules be suspended and the membership of the Appropriations Committee be increased by two members.

### **Bills and Joint Resolutions Introduced**

The following bills and joint resolutions were severally introduced, read a first and second time, and laid upon the table to be printed and referred as follows:

By Mr. Babcock of Claremont, House Bill No. 41, An act providing for the registration of voters in the town of Claremont. To the Committee on Judiciary.

### **Order Vacated**

On motion of Mr. Babcock of Claremont,

*Resolved*, That the order whereby House Bill No. 41, An act providing for the registration of voters in the town of Claremont, was referred to the Committee on Judiciary be vacated, the rules be suspended, and the bill referred to a Special Committee consisting of the delegation from the town of Claremont.

On motion of Mr. Babcock of Claremont the clerk was instructed to procure 500 additional copies of House Bill No. 41, An act providing for the registration of voters in the town of Claremont for the use of the delegation from the town of Claremont.

### **Bills and Joint Resolutions Introduced**

Introduction of bills and joint resolutions was resumed.

By Mr. St. Francois of Nashua, House Bill No. 42, An act relating to trolling. To the Committee on Fisheries and Game.

By Mr. Converse of Pittsburg, House Bill No. 43, An act relating to the closing to fishing of Umbagog lake. To the Committee on Fisheries and Game.

By Mr. Converse of Pittsburg, House Bill No. 44, An act relating to the open season for taking pickerel from Umbagog lake and Leonard pond. To the Committee on Fisheries and Game.

By Mr. Baker of Concord, House Bill No. 45, An act relative to the establishment of a fish and game refuge on property of St. Paul's School. To the Committee on Fisheries and Game.

By Mr. Goodwin of Hudson, House Bill No. 46, An act relative to primary petitions and nominations of candidates at the primary elections. To the Committee on Revision of the Statutes.

By Mr. Dort of Keene, House Bill No. 47, An act relating to smelt fishing. To the Committee on Fisheries and Game.

By Mr. Rowell of Northwood, House Bill No. 48, An act to amend the charter of Coe's Northwood Academy. To the Committee on Revision of the Statutes.

By Mr. Barnard of Manchester, House Bill No. 49, An act relating to City and Town Tax Collectors' Association. To the Committee on Revision of the Statutes.

By Mr. Greene of Laconia, House Bill No. 50, An act relating to breach of contract to marry. To the Committee on Judiciary.

By Mr. Smith of Hudson, House Bill No. 51, An act relating to the maintenance of highways. To the Committee on Public Improvements.

By Mr. Fernald of Dover, House Bill No. 52, An



act to secure to cities and towns the fees in cases prosecuted by police departments. To the Committee on Revision of the Statutes.

By Mr. Fernald of Dover, House Bill No. 53, An act to impound the ballots cast at the state and county biennial elections with the Secretary of State. To the Committee on Revision of the Statutes.

By Mr. Smith of Hudson, House Bill No. 54, An act relative to the powers of the state police in municipalities. To the Committee on Revision of the Statutes.

By Mr. Downs of Conway, House Bill No. 55, An act validating certain proceedings of the town school district of Conway. To the Committee on Judiciary.

By Mr. Baker of Concord, House Bill No. 56, An act transferring the administration of aid to the deaf from the board of public welfare to the board of education. To the Committee on Education.

By Mr. Powers of Brookline, House Bill No. 57, An act relative to exceptions to the requirements for fishing and hunting licenses and the fees for licenses. To the Committee on Fisheries and Game.

By Mrs. Hayes of Barrington, House Bill No. 58, An act relating to the register of deeds for Strafford county. To the Committee on Revision of the Statutes.

### Order Vacated

On motion of Mr. Fernald of Dover.

*Resolved*, that the order whereby House Bill No. 58, an Act relating to the register of deeds for Strafford County, was referred to the Committee on Revision of the Statutes be vacated, and the rules be suspended and the bill be referred to the Special Committee consisting of the Delegation from the County of Strafford.

By Mr. Sturtevant of Concord, House Joint Resolution No. 5, House Joint Resolution in favor of the city of Concord. To the Committee on Claims.

### Resolution

Mr. Baker of Concord offered the following resolution:

*Resolved*, that when the House adjourns today it be in memory of the departed members of the General Court of 1937.

The resolution was unanimously adopted by a rising vote.

The Speaker declared the House in recess.

### After Recess

#### Notice of Reconsideration

Mr. Martin of Keene gave notice that on today or some time subsequently he would move to reconsider the vote whereby the House adopted a resolution asking for the opinion of the Supreme Court as to the constitutional provision concerning legislative salaries.

### Order Vacated

On motion of Mr. Woodbury of Manchester, Ward 2,  
*Resolved*, That the order whereby the Resolution on Neutrality was referred to the Committee on Military Affairs be vacated and the rules be suspended and the resolution be referred to the Committee on National Affairs.

### Bills and Joint Resolutions Introduced

Introduction of bills and joint resolutions was resumed.

By Mr. Shaw of Franklin, House Bill No. 59, An act relating to the practice of Optometry. To the Committee on Revision of the Statutes.

By Mr. Sturtevant of Concord, House Bill No. 60, An act relating to railroad grade crossings. To the Committee on Revision of the Statutes.

By Mr. Woodbury of Manchester, House Joint Resolution No. 6, Joint resolution relating to a memorial to perpetuate the memory of the war with Spain, the Philippine insurrection and the China relief expedition, so-called. To the Committee on Military Affairs.

### Message from the Senate

A message from the Honorable Senate announced that the Senate had voted to concur with the House of Representatives in its amendments to the following joint resolution:

House Joint Resolution No. 2, Joint Resolution providing for State advertising at the New York World's Fair.

The message also announced that the Senate had voted to adopt the following concurrent resolution:

*Resolved by the Senate and House of Representatives in General Court convened:*

That the House of Representatives and the Senate of New Hampshire in joint convention make observance of Lincoln's Birthday under date of February 9, 1939, at twelve o'clock, noon, and that the Speaker of the House and the President of the Senate be authorized to arrange for a suitable address.

Pursuant to the above concurrent Resolution the President and the Speaker appointed Francis H. Bufum of Dunbarton to deliver the address.

On motion of Mr. Emerson of Milford at 12:15 o'clock the House took a recess until 1:30 o'clock.

### After Recess

#### Bills and Joint Resolutions Introduced

Introduction of bills and joint resolutions was resumed.

By Mr. Sanderson of Pittsfield, House Bill No. 61, An act relating to Emergency Public Works. To the Committee on Judiciary.

By Mr. Sanderson of Pittsfield, House Bill No. 62, An act relating to trust companies and other financial institutions. To the Committee on Banks.

By Mrs. Hoyt of Lebanon, House Bill No. 63, An act relating to self liquidating loans to industries in the town of Lebanon. To the Committee on Judiciary.

By Mr. Gay of Hillsboro, House Bill No. 64, An act providing for remodeling of the old main building at the State Industrial School. To the Committee on Industrial School.

By Mr. Hier of Barnstead, House Bill No. 65, An act legalizing the November, 1938, election in the town of Barnstead. To the Committee on Judiciary.

By Mr. Barnard of Manchester, House Bill No. 66, An act relating to landlord and tenant. To the Committee on Revision of the Statutes.

By Mr. Barnard of Manchester, House Bill No. 67, An act relating to taking of fish by nets and traps. To the Committee on Fisheries and Game.\*

By Mr. Sanderson of Pittsfield, House Bill No. 68, An act relative to exceptions to the law regarding one day rest in seven. To the Committee on Labor.

By Mr. Roche of Keene, House Bill No. 69, An act relating to fees for permits and licenses for boxing and wrestling bouts. To the Committee on Ways and Means.

By Mr. Erlando of Mount Vernon, House Bill No. 70, An act relating to license to hunt and fish. To the Committee on Fisheries and Game.

By Mr. Arthur J. Lacroix of Manchester, House Bill No. 71, An act relating to the sale of beverages upon a cash basis. To the Committee on Liquor Laws.

By Mr. Plummer of Milton, House Bill No. 72, An act relating to absent voting. To the Committee on Elections.

By Mrs. Bixby of Berlin, House Bill No. 73, An act relative to the minimum crew to be employed in switching or transferring cars. To the Committee on Labor.

By Mr. Grinnell of Derry, House Bill No. 74, An act relating to "Actions against Tenants." To the Committee on Revision of the Statutes.

By Mr. Studley of Rochester, House Bill No. 75, An act to facilitate search of title to real estate. To the Committee on Judiciary.

By Mr. Young of Rochester, House Bill No. 76, An act establishing commissioner districts in the county of Strafford. To the Committee on Revision of the Statutes.

By Mr. Gay of Hillsboro, House Joint Resolution No. 7, Joint resolution relating to roads and landscaping at the State Industrial School. To the Committee on Industrial School.

By Mr. Gay\* of Hillsboro, House Joint Resolution No. 8, Joint resolution relating to the purchase of window grills for the State Industrial School. To the Committee on Industrial School.

By Mr. Gay of Hillsboro, House Joint Resolution No. 9, Joint resolution providing for additional steam facilities at the State Industrial School. To the Committee on Industrial School.

By Mr. Gay of Hillsboro, House Joint Resolution No. 10, Joint resolution providing for maintenance of state owned houses at the State Industrial School. To the Committee on Industrial School.

By Mr. Graham of Antrim, House Joint Resolution No. 11, Joint resolution in favor of Guy O. Hollis. To the Committee on Claims.

### Appointment

The Speaker announced the following appointment.

Mr. Nelson of Hopkinton was appointed as a member on the part of the House of the Flood Control Commission.

### Qualified

The following named representative having qualified before His Excellency, the Governor, appeared and took his seat as a member of the House.

John G. Clancy of Manchester.

### Order Vacated

On motion of Mr. Fernald of Dover,

*Resolved*, That the order whereby House Bill No. 76, An act establishing commissioner districts in the County of Strafford, was referred to the Committee on the Revision of the Statutes be vacated, and the rules be suspended, and the bill be referred to a Special Committee consisting of the Delegation from the County of Strafford.

### Resolution

On motion of Mr. Merrow of Ossipee,

*Resolved*, That the Ways and Means Committee be allowed the use of Representatives' Hall for a public committee hearing on Wednesday, January 25, at 1:30 P. M.

On motion of Mr. Etsler of Claremont the House adjourned from the morning session.

The House was immediately called in afternoon session.

### Afternoon

On motion of Mr. Neil of Meredith at 3:25 o'clock the House adjourned.



WEDNESDAY, JANUARY 18, 1939.

The House met at 11:00 o'clock.

Prayer was offered by the Chaplain.

### Communication

The following letter was read by the Clerk:

Mr. Louis P. Elkins,  
Concord, N. H.

DEAR SIR:

As I shall be unable to attend the session today, on account of legislative business in Washington, will you kindly preside for me, and oblige.

Yours respectfully,

ANSEL N. SANBORN,  
*Speaker.*

### Leaves of Absence

Mr. Woodbury of Manchester, Ward 2, was granted leave of absence for the day on account of important business.

Mr. Underhill of Nashua was granted leave of absence for Thursday on account of important business.

Mr. Studley of Rochester was granted leave of absence for the week on account of school committee work.

Mr. Sanborn of Manchester was granted leave of absence for the remainder of the week on account of important business.

Mr. Mudgett of Conway was granted leave of absence for Thursday on account of important business.

### Resolution

Mr. Tarbox of Marlboro offered the following resolution:

*Whereas*, we have learned with sorrow of the death of Representative-elect Leon E. Wiswall of Marlborough,

*Be It Resolved*, That we, the members of the New Hampshire House of Representative attest our appreciation of his loyal citizenship; his record of devoted and faithful public service during the past sessions of the New Hampshire General Court, and be it further

*Resolved*, That this sentiment be printed in our Journal, and that a copy be sent to the family with the assurance of our sincere sympathy for them in their bereavement.

RAY E. TARBOX,  
GEORGE H. DUNCAN,  
JOHN M. DUFFY,  
EDGAR H. HUNTER,  
FRED T. WADLEIGH,

*Committee.*

The resolution was unanimously adopted by a rising vote.

### **Bills and Joint Resolutions Introduced**

The following bills and joint resolutions were severally introduced, read a first and second time, and laid upon the table to be printed and referred as follows:

(Mr. Barnard of Manchester in the Chair)

By Mr. Goodwin of Hudson, House Bill No. 77, An act relating to check lists for school meetings. To the Committee on Judiciary.

By Mr. Bowker of Littleton, House Bill No. 78, An act relating to service exemption from taxation. To the Committee on Ways and Means.

By Mr. Barnard of Manchester, House Bill No. 79, An act to open Gorham Pond now known as Lake Gorham in Dunbarton to ice fishing. To the Committee on Fisheries and Game.

By Mr. Relihan of Walpole, House Bill No. 80, An act in relation to trustee process. To the Committee on Judiciary.

By Mr. Durette of Manchester, House Bill No. 81, An act abolishing causes of action for breach of contract to marry. To the Committee on Judiciary.

By Mr. Tilton of Laconia, House Bill No. 82, An act making sundry changes in the sale of securities law. To the Committee on Insurance.

By Mr. Boothman of Randolph, House Bill No. 83, An act relating to furbearing animals. To the Committee on Fisheries and Game.

By Mr. Baker of Concord, House Bill No. 84, An act relating to the salary of the superintendent of the state prison. To the Committee on State House and State House Yards.

By Mr. Duffley of Manchester, House Bill No. 85, An act relating to the sale of beverages on election days after the polls are closed. To the Committee on Liquor Laws.

By Mr. Kane of Manchester, House Bill No. 86, An act relating to the manufacture and sale of cider. To the Committee on Liquor Laws.

By Mr. Sherry of Dover, House Bill No. 87, An act abolishing the death penalty. To the Committee on Revision of the Statutes.

By Mr. Sherry of Dover, House Bill No. 88, An act relative to insurance policies of old age assistance recipients. To the Committee on Revision of the Statutes.

By Mr. Shaw of Franklin, House Bill No. 89, An act relating to naming that portion of the state highway between Bristol and Meredith. To the Committee on Public Improvements.

By Mr. Elkins of Concord, House Bill No. 90, An act amending the charter of the New Hampshire Congre-

gational Christian Conference. To the Committee on Judiciary.

### Order Vacated

On motion of Mr. Tilton of Laconia, Ward 4,

*Resolved*, That the order whereby House Bill No. 82, An act making sundry changes in the sale of securities laws was referred to the Committee on Judiciary be vacated and the rules be suspended and the bill be referred to the Committee on Insurance.

### Resolution

Mr. Sherry of Dover offered the following resolution:

*Resolved*, That this House of Representatives commend Senator H. Styles Bridges upon his action and the stand he has taken by his public declaration that he is opposed to and will resist any action taken by the Congress of the United States tending to lift the now existing embargo on arms to Spain and the setting aside of the present policy of the government in the matter of neutrality as to all warring nations. Further resolved that the secretary of state be instructed to forward to Senator Bridges a copy of this resolution.

The question being on the resolution.

(Discussion ensued)

Mr. Sherry of Dover spoke in favor of the resolution.

Mr. Emerson of Milford spoke against the resolution.

Mr. Hunter of Hanover moved that the resolution be referred to the Committee on National Affairs.

Mr. Sherry of Dover demanded a roll call but subsequently withdrew his demand and asked for a division.

A division being taken the Speaker declared the vote manifestly in the affirmative, and the resolution was referred to the Committee on National Affairs.

### Introduction of Bills and Joint Resolutions

Introduction of bills and joint resolution was resumed.

By Mr. Emerson of Hampstead, House Bill No. 91, An act closing Wash pond in Hampstead to ice fishing. To the Committee on Fisheries and Game.

By Mr. Nelson of Hopkinton, House Bill No. 92, An act against committing nuisances. To the Committee on Judiciary.

By Mr. Stowbridge of Haverhill, House Bill No. 93, An act relating to the open and closed season for taking fish in certain waters. To the Committee on Fisheries and Game.

By Mr. Nelson of Hopkinton, House Bill No. 94, An act relating to small municipal water works. To the Committee on Judiciary.

By Mr. Boynton of Hillsboro, House Bill No. 95, An act to establish a new apportionment for the assessment of public taxes. To the Committee on Ways and Means.

By Mr. Wadleigh of Milford, House Bill No. 96, An act relative to legal holidays. To the Committee on Judiciary.

By Mr. Bass of Peterboro, House Bill No. 97, An act relating to state fish and game refuges. To the Committee on Fisheries and Game.

By Mr. Shea of Nashua, House Bill No. 98, An act relating to assignment of counsel fees. To the Committee on Revision of the Statutes.

By Mr. Mudgett of Conway, House Bill No. 99, An act relating to the registration and operation of motor vehicles by non-residents. To the Committee on Revision of the Statutes.

By Mr. Barnard of Manchester, House Bill No. 100, An act relative to the protection of state and other

highways. To the Committee on Revision of the Statutes.

By Mr. Shea of Nashua, House Bill No. 101, An act relating to the limitation of witness fees in criminal cases. To the Committee on Revision of the Statutes.

Br Mr. Barnard of Manchester, House Bill No. 102, An act relative to encroachments on highways. To the Committee on Revision of the Statutes.

By Mr. Young of Tuftonboro, House Bill No. 103, An act in regard to the sale of milk. To the Committee on Agriculture.

By Mr. Peaslee of Weare, House Bill No. 104, An act relating to tax collectors. To the Committee on Ways and Means.

By Mr. Peaslee of Weare, House Bill No. 105, An act relating to vital statistics. To the Committee on Public Health.

By Mr. Yeaton of Epsom, House Bill No. 106, An act relating to registration fees for vehicles carrying special equipment. To the Committee on Transportation.

By Mr. Taylor of Rumney, House Joint Resolution No. 12, Joint resolution to provide for additional facilities at the state sanatorium. To the Committee on Appropriations.

By Mr. Seavey of Rochester, House Joint Resolution No. 13, Joint resolution in favor of James F. Donahue and George C. Hamlin. To the Committee on Claims.

By Mr. George of Concord, House Joint Resolution No. 14, Joint resolution in favor of Emery B. Bachelder. To the Committee on Claims.

By Mr. Rowell of Northwood, House Joint Resolution No. 15, Joint resolution memorializing the Federal Hospitalization Board of the United States Veterans' Administration. To the Committee on Military Affairs.



By Mr. Taylor of Rumney, House Joint Resolution No. 16, Joint resolution relating to the improvement of road leading from Rumney to Stinson Lake in the town of Rumney. To the Committee on Public Improvements.

### Order Vacated

On motion of Mr. Barnard of Manchester,  
*Resolved*, That the order whereby House Bill No. 87, An act abolishing the death penalty, was referred to the Committee on Revision of the Statutes, be vacated and the rules be suspended and the bill be referred to the Committee on Judiciary.

On motion of Mr. Emerson of Milford at 12:10 o'clock the House took a recess until 1:55.

### After Recess

#### Introduction of Bills and Joint Resolutions

Introduction of bills and joint resolutions was resumed.

By Mr. Gelinas of Manchester, House Bill No. 107, An act relative to the disposition of revenue derived from the sale of beverages. To the Committee on Liquor Laws.

By Mr. Sawyer of Woodstock, House Bill No. 108, An act relative to permanent improvements and additional facilities at the tramway. To the Committee on Appropriations.

By Mr. Downs of Conway, House Bill No. 109, An act relating to the registration of semi-trailers. To the Committee on Transportation.

By Mr. Carpenter of Wolfeboro, House Bill No. 110, An act relating to Lake Wentworth in Wolfeboro. To the Committee on Fisheries and Game.

By Mr. Carpenter of Wolfeboro, House Bill No. 111, An act relating to pickerel fishing in Rust pond in Wolfeboro. To the Committee on Fisheries and Game.

By Mr. Cronin of Dover, House Bill No. 112, An act relating to the stimulation of race horses. To the Committee on Revision of Statutes.

By Mr. Smith of New Hampton, House Joint Resolution No. 17, Joint resolution in favor of Everett Hunnewell. To the Committee on Claims.

By Mr. Peaslee of Weare, House Joint Resolution No. 18, Joint resolution for the construction and replacement of bridges in the town of Weare. To the Committee on Public Improvements.

On motion of Mr. McIntyre of Whitefield the House adjourned from the morning session.

The House was immediately called to order in afternoon session.

### Afternoon

On motion of Mrs. Charois of Greenfield at 2:40 o'clock the House adjourned.

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THURSDAY, JANUARY 19, 1939.

The House met at 11:00 o'clock.

Prayer was offered by the Chaplain.

### Communication

The following letter was read by the Clerk:

Mr. Louis P. Elkins,  
Concord, N. H.

DEAR SIR:

As I shall be unable to attend the session today, on

account of legislative business in Washington, will you kindly preside for me, and oblige.

Yours respectfully,

ANSEL N. SANBORN,  
*Speaker.*

### Leaves of Absence

Messers Dreghorn of Warren and Howe of Claremont were granted leaves of absence for the day on account of illness.

Mr. Hunter of Hanover was granted leave of absence for the day on account of important business.

Mr. Benoit of Manchester Ward 7 was granted leave of absence until further notice on account of illness.

### Resolution

On motion of Mr. Osborne of Sunapee,

*Resolved*, That when the House adjourns this morning it be to meet tomorrow morning at 9:00 o'clock, and when the House adjourns tomorrow morning it adjourn to meet on Monday evening at 7:00 o'clock.

### Petition Presented and Referred

By Mr. Tilton of Ward 4 Laconia, petition of Archibald Ferguson praying for a seat in the House.

Presented and referred to the Committee on Elections.

### Committee Reports

Mr. Batchelder of Northfield for the Committee on Claims to whom was referred House Joint Resolution No. 3, Joint Resolution in favor of Edgar M. Gaudette, Administrator, having considered the same, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution adopted.

Mr. Carpenter of Wolfeboro for the Committee on Fisheries and Game to whom was referred House Bill No. 16, An Act closing Robinson pond in the town of Hudson to all fishing, having considered the same, reported the same with the following amendment and the recommendation that the bill as amended ought to pass.

Amend section 1 by striking out the word "five" in lines 6 and 15 and inserting in place thereof the word, two, so that said section as amended shall read as follows:

1. Amend section 32, chapter 188 of the Laws of 1937 by striking out the word "paragraph" in lines 3 and 4 and inserting in place thereof the word, paragraphs; further amend said section by adding at the end thereof the following: XI. Robinson pond in the town of Hudson for a period of two years. Any person violating the provisions of this paragraph shall be fined ten dollars, so that said section as amended shall read as follows:

32. *Closed to All Fishing.* Amend section 7 of chapter 155 of the Laws of 1935, as amended by section 4, chapter 96, Laws of 1937, by adding after paragraph IX the following new paragraphs: X. The inlet of Little Diamond pond in Stewartstown for the distance of one hundred feet from the inlet out into the pond and fifty feet on each side of said inlet. XI. Robinson pond in the town of Hudson for a period of two years. Any person violating the provisions of this paragraph shall be fined ten dollars.

The report was accepted, the amendment adopted and the bill ordered to a third reading.

Mr. Sawyer of Woodstock for the Committee on Appropriations to whom was referred House Joint Resolution No. 4, Joint Resolution in favor of Guy S. Neal and others, having considered the same, reported the

same with the recommendation that the joint resolution ought to pass.

The report was accepted and the joint resolution ordered to a third reading.

On motion of Mr. Boucher of Somersworth.

*Resolved*, That the rules of the House be so far suspended as to allow the introduction of a committee report which had not previously been advertised in the Journal.

Mr. Boucher of Somersworth for the Special Committee consisting of the Delegation from the City of Somersworth to whom was referred House Bill No. 35, an Act relating to the Charter of the City of Somersworth reported the same in new draft with the recommendation that the bill in its new draft be laid on the table to be printed for the information of the members.

The report was accepted.

### Order Vacated

Mr. Downs of Conway moved that the order whereby House Bill No. 55, An act validating certain proceedings of the town school districts of Conway was referred to the Committee on Judiciary be vacated.

The question being on the motion of Mr. Downs.

(Discussion ensued)

On a *viva voce* vote the motion was adopted.

On motion of Mr. Duncan of Jaffrey,

*Resolved*, That the rules be suspended as to dispense with the reference to a committee of House Bill No. 35, An act relating to the Charter of the City of Somersworth and that the bill be put upon its third reading by title, and final passage at the present time.

The bill was then read a third time and passed and sent to the Senate for concurrence.

### Resolutions

Mr. Baker of Concord offered the following resolution:

*Resolved*, That the superintendent of the State House be authorized and directed to procure and install in the coat room bins for storage and checking of members' clothing at a cost not to exceed \$500 and to be a charge against the legislative appropriation.

The question being on the resolution.

(Discussion ensued)

Mr. Baker of Concord spoke for the resolution.

On a *viva voce* vote the resolution was adopted.

Mr. Barnard of Manchester offered the following resolution:

#### **Resolution Relating to Recognition of the World War Veterans of the American Merchant Marine.**

*Whereas*, the World War Veterans of the American Merchant Marine rendered service to the United States in the World War no less valuable than that of the armed forces of the United States, and

*Whereas*, this service has not received proper and appropriate recognition by the government of the United States,

*Now, therefore, be it Resolved*, That the House of Representatives of the State of New Hampshire in General Court convened hereby urges the Congress of the United States to enact such laws as may be necessary for a proper recognition of the World War Veterans of the American Merchant Marine, and

*Be it further Resolved*, That a copy of these resolutions be forwarded to The President of the United States, the presiding officers of the legislative branches of the Federal government, United States Senator H.



Styles Bridges, United States Senator Charles W. Tobey, Congressman Arthur B. Jenks, and Congressman Foster Stearns.

The resolution was read a first and second time and referred to the Committee on National Affairs.

Mr. Caron of Manchester offered the following resolution:

*Resolved*, That the New Hampshire Legislature memorialize the 76th Congress of the United States in favor of amending the Social Security Act so as to provide old age pension payments of \$60.00 per month to all eligible persons who have attained the age of sixty years or over with costs of payments to be divided on an equitable basis between the various states and the federal government.

The resolution was read a first and second time and referred to the Committee on Revision of the Statutes.

(Mr. Barnard of Manchester in the Chair)

### **Bills and Joint Resolutions Introduced**

The following bills and joint resolutions were severally introduced, read a first and second time, and laid upon the table to be printed and referred as follows:

By Mr. Converse of Pittsburg, House Bill No. 113, An act relating to the open season for taking deer in Coos county. To the Committee on Fisheries and Game.

By Mr. Jewell of Stratham, House Bill No. 114, An act relating to non-resident fur dealers. To the Committee on Fisheries and Game.

By Mr. O'Shan of Laconia, House Bill No. 115, An act relating to election of county officers. To the Committee on Towns and Counties.

By Mr. Chickering of Walpole, House Bill No. 116, An act relating to the practice of veterinary medicine. To the Committee on Agriculture.

By Mr. Chickering of Walpole, House Bill No. 117, An act relating to the diseases of domestic animals. To the Committee on Agriculture.

By Mr. Woodbury of Ward 2, Manchester, House Bill No. 118, An act relating to legal holidays. To the Committee on Judiciary.

By Mr. St. Francois of Nashua, House Bill No. 119, An act exempting widows and minor children from taxation. To the Committee on Revision of the Statutes.

By Mr. Hoyt of Newington, House Bill No. 120, An act relative to the transportation of school pupils. To the Committee on Judiciary.

By Mr. Knox of Sandwich, House Bill No. 121, An act providing for the protection of private owners of ponds. To the Committee on Fisheries and Game.

By Mrs. Bixby of Berlin, House Bill No. 122, An act relating to fees for the sale of beverages. To the Committee on Liquor Laws.

By Mr. Craig of Haverhill, House Bill No. 123, An act relative to the definition of persons eligible for aid to the aged. To the Committee on Revision of the Statutes.

By Mr. Tuttle of Hancock, House Bill No. 124, An act closing Nubanusit lake in the towns of Hancock and Nelson and Spoonwood pond in the town of Nelson to ice fishing. To the Committee on Fisheries and Game.

By Mr. Barnard of Manchester, House Bill No. 125, An act relating to the practice of optometry. To the Committee on Revision of the Statutes.

By Mr. Barnard of Manchester, House Bill No. 126, An act providing for the registration of architects. To the Committee on Judiciary.

By Mr. Noyes of Bethlehem, House Bill No. 127, An act relating to taxation of foreign insurance companies. To the Committee on Insurance.

By Mr. Tilton of Ward 4, Laconia, House Bill No. 128, An act providing for the publication and sale of law reports. To the Committee on Judiciary.

By Mr. Saltmarsh of Concord, House Bill No. 129, An act relating to fraternal benefit societies. To the Committee on Revision of the Statutes.

By Mr. Labranche of Newmarket, House Bill No. 130, An act authorizing the town of Newmarket to issue refunding notes or bonds. To the Committee on Judiciary.

By Mr. Tilton of Ward 4, Laconia, House Bill No. 131, An act relating to discontinuance of passenger or freight service by railroads. To the Committee on Transportation.

By Mr. Elkins of Concord, House Bill No. 132, An act relating to distraint. To the Committee on Revision of the Statutes.

By Mr. Elkins of Concord, House Bill No. 133, An act regarding tax liens on real estate. To the Committee on Revision of the Statutes.

By Mr. Elkins of Concord, House Bill No. 134, An act relating to the payment of the poll taxes of married women. To the Committee on Revision of the Statutes.

By Mr. Elkins of Concord, House Bill No. 135, An act relating to abatement. To the Committee on Revision of the Statutes.

By Mr. Osborne of Sunapee, House Bill No. 136, An act relating to report of sale. To the Committee on Judiciary.

By Mr. Osborne of Sunapee, House Bill No. 137, An act relating to bonds. To the Committee on Judiciary.

By Mr. Osborne of Sunapee, House Bill No. 138, An act relating to assessment. To the Committee on Judiciary.

By Mr. Osborne of Sunapee, House Bill No. 139, An

act relative to the payment of poll taxes. To the Committee on Judiciary.

By Mrs. Christianson of Berlin, House Bill No. 140, An act relative to unemployment compensation. To the Committee on Labor.

By Mr. Paine of Berlin, House Bill No. 141, An act relative to unemployment compensation. To the Committee on Labor.

By Mr. Caron of Manchester, House Bill No. 142, An act to re-enact the law permitting horse racing and sale of pools. To the Committee on Ways and Means.

By Mr. Montminy of Berlin, House Bill No. 143, An act relating to benefit eligibility conditions under the unemployment compensation law. To the Committee on Labor.

By Mr. Hayes of Dover, House Bill No. 144, An act relative to tractors and trucks used for agricultural purposes only. To the Committee on Revision of Statutes.

By Mr. Tozier of Exeter, House Joint Resolution No. 19, Joint resolution in favor of Rockingham Country Club, Inc. To the Committee on Claims.

By Mr. Cloues of Warner, House Joint Resolution No. 20, Joint resolution in favor of Gordon F. Harris of Warner. To the Committee on Claims.

By Mr. Price of Gilmanton, House Joint Resolution No. 21, Joint resolution for the improvement of the Province road in the town of Gilmanton. To the Committee on Public Improvements.

By Mr. Baker of Concord, House Joint Resolution No. 22, Joint resolution appropriating funds for the publication of wartime military records. To the Committee on Military Affairs.

By Mr. Chase of Manchester, House Joint Resolution No. 23, Joint resolution for the repair and maintenance of the John F. Stark House in the City of Manchester. To the Committee on Appropriations.

By Mr. Cryan of Lancaster, House Joint Resolution No. 24, Joint resolution in favor of H. W. Hillier of Lancaster. To the Committee on Claims.

### Message From the Senate

A message from the Honorable Senate announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bill sent up from the House of Representatives:

House Bill No. 55, An act validating certain proceedings of the town school district of Conway.

On motion of Mr. Shaw of Franklin,

*Resolved*, That the rules be suspended and business in order at 2:00 o'clock this afternoon made in order at the present time.

### Third Readings

On motion of Mr. Barnard of Manchester the rules were suspended and the third readings of bill by its title and joint resolution by its caption made in order.

House Bill No. 16, An act closing Robinson pond in the town of Hudson to all fishing.

Joint Resolution No. 4, Joint resolution in favor of Guy S. Neal and others.

Severally read a third time and passed and sent to the Senate for concurrence.

On motion of Mr. Rollins of Alton at 12:05 o'clock the House adjourned.

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FRIDAY, JANUARY 20, 1939.

The House met at 9 o'clock.

The following letter was read by the Clerk:

Friday, January 20, 1939.

Mr. George H. Nash,  
Concord, N. H.

DEAR SIR:

I shall be unable to attend the session on Friday morning. Will you kindly preside for me and oblige.

Yours respectfully,

ANSEL N. SANBORN,  
*Speaker.*

On motion of Mr. Elkins of Concord at 9:01 o'clock the House adjourned.

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MONDAY, JANUARY 23, 1939.

The House met at 7:00 o'clock.

The following letter was read by the Clerk:

Monday, January 23, 1939.

Mr. Leonard A. Fernald,  
Jackson, N. H.

DEAR SIR:

I shall be unable to attend the session on Monday evening. Will you kindly preside for me and oblige.

Yours respectfully,

ANSEL N. SANBORN,  
*Speaker.*

There being no quorum present at 7:01 o'clock the House adjourned.



TUESDAY, JANUARY 24, 1939.

The House met at 11:00 o'clock.

Prayer was offered by the Chaplain.

### Leaves of Absence

Mrs. Soper of Littleton was granted leave of absence for the day on account of attending a funeral.

Mr. Clark of Salisbury was granted leave of absence for the day on account of illness.

Mr. Durnin of Dover was granted leave of absence for the week on account of illness.

Mr. Hamilton of Lisbon was granted leave of absence until further notice on account of illness.

### Petition Presented and Referred

By Mr. Nickerson of Madison petition protesting *pari mutuel* and other laws favoring gambling.

Presented and referred to Committee on Ways and Means.

### Committee Reports

Mr. Boucher of Somersworth, for the Special Committee consisting of the delegation from the city of Somersworth, to whom was referred House Bill No. 35, An act relating to the charter of the city of Somersworth, reported the same in new draft, with the recommendation that the bill in its new draft ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Merrow of Ossipee, for the Committee on Ways and Means, to whom was referred House Bill No. 18, An act providing for an investigation and study by an unpaid commission relative to horse racing operating

pari mutuel pools within New Hampshire, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The question being on the report of the committee.

On a *viva voce* vote the report was accepted and the resolution adopted.

Mr. Barnard of Manchester offered the following concurrent resolution:

### Concurrent Resolution

Resolution Memorializing the Congress of the United States to Enact into Law the "General Welfare Act of 1939."

*Whereas*, a bill, the passage of which will make effective the Townsend National Recovery Plan, known as the "General Welfare Act of 1939" (H. R. No. 2, 76th Congress, 1st Session and S. R. No. 3, 76th Congress, 1st Session) has been introduced in the Congress of the United States, and

*Whereas*, the enactment into law of the "General Welfare Act of 1939" will provide for and promote the general welfare of the United States by supplying to the people a more liberal distribution and increase of purchasing power, retire certain citizens from gainful employment, improve and stabilize gainful employment for other citizens, stimulate agricultural and industrial production and general business and alleviate the hazards and insecurity of old age and unemployment; and

*Whereas*, thousands of the citizens of New Hampshire desire the immediate enactment into law of the said "General Welfare Act of 1939"; therefore, be it

*Resolved*, That the Senate and House of Representatives of the State of New Hampshire in General Court convened, do hereby urge the Congress of the United States to immediately enact into law the before-

mentioned "General Welfare Act of 1939," and be it further

*Resolved*, That a copy of these resolutions be forwarded to the President of the United States and to the presiding officers of the legislative branches of the federal government; and be it further

*Resolved*, That a copy of these resolutions be forwarded to United States Senator H. Styles Bridges, United States Senator Charles W. Tobey, Congressman Arthur B. Jenks, and Congressman Foster Stearns, requesting them to do all in their power to secure the passage of the said "General Welfare Act of 1939."

The resolution was read a first and second time, and referred to the Committee on National Affairs.

On motion of Mr. Barnard of Manchester the Clerk was instructed to procure the usual number of printed copies of the above resolution.

### Order Vacated

Mr. Tilton of Ward 4, Laconia, moved that the order whereby House Bill No. 115, An act relating to the election of County Officers was referred to the Committee on Towns and Counties be vacated, the rules be suspended and the bill referred to a Special Committee, consisting of the Delegation from the County of Belknap.

### Presentation

On behalf of the members of the House, Mr. Barnard of Manchester presented the Speaker with a birthday cake, containing 28 candles, in honor of his anniversary.

### Bills and Joint Resolutions Introduced

The following bills and joint resolutions were severally introduced, read a first and second time,

laid upon the table to be printed, and referred as follows:

By Mr. Nash of Concord, House Bill No. 145, An act relating to the extermination of poison ivy. To the Committee on Health.

By Mr. Tuxbury of Hanover, House Bill No. 146, An act relating to the registration of nurses. To the Committee on Education.

By Mr. Myhaver of Peterborough, House Bill No. 147, An act to provide for the supervision, regulation and control of motor carrier transportation. To the Committee on Transportation.

By Mr. Emerson of Milford, House Bill No. 148, An act relating to building and loan associations. To the Committee on Banks.

By Mr. Duncan of Jaffrey, House Bill No. 149, An act providing for improvements at the Laconia State School. To the Committee on Laconia State School.

By Mr. Converse of Claremont, House Bill No. 150, An act to regulate the practice of general contracting. To the Committee on Judiciary.

By Mr. Adams of Belmont, House Bill No. 151, An act relative to the taking of trout, salmon and lake trout. To the Committee on Fisheries and Game.

By Mr. Adams of Belmont, House Bill No. 152, An act authorizing the town of Belmont to issue refunding notes or bonds. To the Committee on Judiciary.

By Mr. Avery of Holderness, House Bill No. 153, An act defining and prohibiting unfair sales practices, with a view to preventing the advertising or offering for sale or the selling, below cost, of merchandise for the purpose of injuring competitors or destroying competition. To the Committee on Judiciary.

By Mr. Adams of Belmont, House Bill No. 154, An act relative to combination fishing and hunting licenses to certain non-residents. To the Committee on Fisheries and Game.

By Mr. Peaslee of Weare, House Bill No. 155, An act relating to license fees for taking fish and game. To the Committee on Fisheries and Game.

By Mr. Davison of Washington, House Bill No. 156, An act opening Pillsbury Reservation in Washington to all fishing except ice fishing. To the Committee on Fisheries and Game.

By Mr. Nelson of Winchester, House Bill No. 157, An act to close Forest lake, Winchester to ice fishing. To the Committee on Fisheries and Game.

By Mr. Nelson of Winchester, House Bill No. 158, An act to close all tributaries of Pisgah reservoir in Winchester to fishing. To the Committee on Fisheries and Game.

By Mr. Batchelor of Keene, House Bill No. 159, An act providing for the litigation of small claims. To the Committee on Judiciary.

By Mr. Campbell of Canaan, House Bill No. 160, An act to change the name of Crystal Lake to Canaan Street lake. To the Committee on Public Improvements.

By Mr. Jones of Pelham, House Bill No. 161, An act relative to fishing in Gumpus pond in Pelham. To the Committee on Fisheries and Game.

By Mr. Dreghorn of Warren, House Bill No. 162, An act to close lake Katherine in the town of Piermont to all fishing. To the Committee on Fisheries and Game.

By Mr. Callahan of Keene, House Bill No. 163, An act authorizing towns, cities and counties to acquire land for the purpose of flood control. To the Committee on Judiciary.

By Mr. Callahan of Keene, House Bill No. 164, An act relating to taking deer in Cheshire county. To the Committee on Fisheries and Game.

By Mr. Atherton of Nashua, House Bill No. 165, An act relating to the construction of sidewalks in the

city of Nashua. To the Committee on Revision of the Statutes.

By Mr. Burnham of Henniker, House Bill No. 166, An act to authorize the town of Henniker to purchase water power property in said town. To the Committee on Judiciary.

By Mr. Noyes of Bethlehem, House Bill No. 167, An act to close Zealand pond and part of Zealand river and certain of its tributaries to fishing. To the Committee on Fisheries and Game.

By Mr. Noyes of Bethlehem, House Bill No. 168, An act legalizing the action of the Bethlehem village district annual meeting. To the Committee on Judiciary.

By Mr. Keay of Kingston, House Bill No. 169, An act to open Great pond in Kingston to ice fishing. To the Committee on Fisheries and Game.

By Mr. Adams of Hampton, House Bill No. 170, An act relating to the hunting of deer. To the Committee on Fisheries and Game.

By Mrs. Bixby of Behlin, House Bill No. 171, An act relating to licenses to hunt and fish. To the Committee on Fisheries and Game.

By Mr. Leonard of Grafton, House Bill No. 172, An act relating to hunting of deer. To the Committee on Fisheries and Game.

By Mr. Gauthier of Manchester, House Bill No. 173, An act relating to entertainment in establishments where liquor and beverages are sold. To the Committee on Liquor Laws.

By Mr. Smith of Seabrook, House Bill No. 174, An act relating to hunting of deer. To the Committee on Fisheries and Game.

By Mr. Frain of Manchester, House Bill No. 175, An act relating to the taking of white perch. To the Committee on Fisheries and Game.



By Mr. Noyes of Bethlehem, House Bill No. 176, An act to close the South branch of Gale river to fishing. To the Committee on Fisheries and Game.

By Mr. Baker of Concord, House Bill No. 177, An act relating to plumbing and the licensing of plumbers. To the Committee on Public Health.

By Mr. Smith of Seabrook, House Bill No. 178, An act relating to construction of highways for the better control of motor vehicle traffic from the mountain districts of the seacoast. To the Committee on Public Improvements.

By Mr. Chickering of Walpole, House Bill No. 179, An act establishing county commissioner districts in the county of Cheshire. To the Committee on Revision of the Statutes.

By Mr. Fernald of Jackson, House Bill No. 180, An act for the better protection of brook or speckled trout in Carroll and Coos counties. To the Committee on Fisheries and Game.

By Mr. Osborne of Concord, House Bill No. 181, An act relative to savings banks. To the Committee on Banks.

By Mr. Osborne of Concord, House Bill No. 182, An act for the better protection of pedestrians on cross walks. To the Committee on Revision of the Statutes.

By Mr. Joyce of Nashua, House Bill No. 183, An act to amend the city charter of Nashua. To the Committee on Judiciary.

By Mr. Smith of Seabrook, House Bill No. 184, An act to provide for the disbursement of motor fines. To the Committee on Revision of the Statutes.

By Mr. Smith of Seabrook, House Bill No. 185, An act regulating the erection of billboards, signs and other similar devices. To the Committee on Judiciary.

By Mr. Myhaver of Peterboro, House Bill No. 186,

An act relating to school buses. To the Committee on Revision of the Statutes.

By Mr. Senechal of Nashua, House Bill No. 187, An act relating to the charter of the city of Nashua. To the Committee on Judiciary.

By Mr. Smith of Newfields, House Bill No. 188, An act relating to land used for school purposes in the town of Newfields. To the Committee on Judiciary.

By Mr. Rowell of Northwood, House Bill No. 189, An act to prohibit Sunday hunting in the interest of conservation. To the Committee on Fisheries and Game.

By Mr. Fernald of Dover, House Bill No. 190, An act against collection agencies. To the Committee on Revision of the Statutes.

By Mr. Fernald of Dover, House Bill No. 191, An act to punish wilful injury to property. To the Committee on Revision of the Statutes.

By Mr. Fernald of Dover, House Bill No. 192, An act to improve deeds of real estate. To the Committee on Judiciary.

By Mr. Carpenter of Wolfeboro, House Bill No. 193, An act relative to taking fish. To the Committee on Fisheries and Game.

By Mr. Garland of Dover, House Bill No. 194, An act relating to the sale of lightning rods. To the Committee on Insurance.

By Mr. Keay of Kingston, House Bill No. 195, An act relating to payment of fees on recreational areas. To the Committee on Forestry and Recreation.

By Mr. Taylor of Rumney, House Bill No. 196, An act opening Oliverian brook in Benton and Warren and Three pond brook in Rumney to fishing. To the Committee on Fisheries and Game.

By Mr. Taylor of Rumney, House Bill No. 197, An act relative to fishing from Stinson lake in Rumney.

To the Committee on Fisheries and Game.

By Mr. Tilton of Laconia, Ward 4, House Bill No. 198, An act to provide for a revision of the Public Laws. To the Committee on Revision of the Statutes.

By Mr. Tilton of Laconia, Ward 4, House Bill No. 199, An act to provide for the judicial review of administration findings, orders and decisions. To the Committee on Judiciary.

By Mr. Duffy of Keene, House Bill No. 200, An act relative to registration of dealers or manufacturers of motor boats or outboard motors. To the Committee on Revision of the Statutes.

By Mr. Bowker of Littleton, House Bill No. 201, An act to protect borrowers. To the Committee on Revision of the Statutes.

### Orders Vacated

On motion of Mr. St. Francois of Nashua the order whereby House Bill No. 165, An act relating to the construction of sidewalks in the city of Nashua was referred to the Committee on Revision of the Statutes and House Bill No. 183, An act to amend the city charter of Nashua, and House Bill No. 187, An act relating to the Charter of the city of Nashua was referred to the Committee on Judiciary be vacated and the rules be suspended and the bills be referred to a Special Committee consisting of the Delegation from the city of Nashua.

On motion of Mr. Duncan of Jaffrey the order whereby House Bill No. 179, An Act establishing county commissioner districts in the County of Cheshire, was referred to the Committee on Revision of the Statutes be vacated, and the rules be suspended and the bill be referred to a special committee consisting of the delegation from Cheshire County.

On motion of Mr. Elkins of Concord at 12:15 o'clock the House recessed until 1:55 o'clock.

### After Recess

#### Message from the Senate

A message from the Honorable Senate announced that the Senate had voted to adopt the amendment offered by the Committee on Engrossed Bills, to the following House Bill, in the adoption of which amendment the Senate asks the concurrence of the House of Representatives:

House Bill No. 55, An Act validating certain proceedings of the town school district of Conway.

Amend said bill by striking out section 1 thereof and inserting in place thereof the following:

1. *Proceedings Validated.* The proceedings of the town school district of Conway, taken at the special meeting held September 30, 1938 and the appropriation of eighty-five thousand five hundred and forty-three dollars and the issuance of notes and bonds in that amount pursuant to said proceedings, are hereby legalized, ratified and confirmed.

On motion of Mr. Barnard of Manchester, the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

#### Resolution

Mr. Caron of Manchester, Ward 12, offered the following resolution:

That the *Race Track Commission* shall submit to the legislators figures showing the total amount of moneys contributed by the bettors towards so-called breakage on tickets from pari-mutual pools bets at the track of the N. H. Breeders' Association and the N. H. Jockey Club, Inc., for the years 1933 to 1938. As computed by the attorney-general's opinion of September 19, 1938; also the names of employees and

members of such track together with wages of each with number of days employed by the N. H. Breeders' Association and the N. H. Jockey Club, Inc., for the years 1933 to 1938 inclusive.

The question being on the resolution of Mr. Caron.

(Discussion ensued)

Messrs. Caron and Chase of Manchester spoke in favor of the resolution.

Messrs. Merrow of Ossipee and Emerson spoke against the resolution.

Mr. Sherry of Dover moved that the resolution be laid upon the table.

On a *viva voce* vote the motion of Mr. Sherry was adopted.

### Introduction of Bills Was Resumed

By Mr. Shea of Nashua, House Bill No. 202, An act relative to the closing of the Old Pennichuck Pond to ice fishing located partly in the town of Hollis and partly in the city of Nashua. To the Committee on Fisheries and Game.

By Mr. Carpenter of Wolfeboro, House Bill No. 203, An act relating to the taking of raccoon. To the Committee on Fisheries and Game.

By Mr. Powers of Brookline, House Bill No. 204, An act relative to service exemption for soldiers and sailors. To the Committee on Revision of the Statutes.

By Miss Hanson of Gilsum, House Bill No. 205, An act relative to the gross weight of motor vehicles. To the Committee on Transportation.

By Mr. Winslow of Chesterfield, House Bill No. 206, An act relative to the publication of vital statistics in town reports. To the Committee on Public Health.

By Mr. Barnard of Manchester, House Bill No. 207, An act providing for salary increases for certain state officials. To the Committee on Appropriations.

By Mr. Havican of Brentwood, House Bill No. 208, An act limiting the axle load of motor vehicles. To the Committee on Transportation.

By Mr. Perry of Swanzey, House Bill No. 209, An act relative to the maintenance of highways and bridges on the secondary highway system. To the Committee on Public Improvements.

By Mr. Hancock of Concord, House Bill No. 210, An act relative to bell boys in first class hotels. To the Committee on Liquor Laws.

By Mr. Bunten of Concord, House Bill No. 211, An act relating to fishing licenses. To the Committee on Fisheries and Game.

By Mr. Sewell of Stratham, House Bill No. 212, An act to close Fernald brook in Wolfeboro to smelt fishing. To the Committee on Fisheries and Game.

By Mr. Emerson of Hampstead, House Bill No. 213, An act providing for the construction of a state highway west of Hampton Beach in the town of Hampton. To the Committee on Public Improvements.

By Mr. Emerson of Hampstead, House Bill No. 214, An act authorizing village districts to organize for recreational promotion. To the Committee on Judiciary.

By Mr. Hancock of Concord, House Bill No. 215, An act providing for a grill room license for first-class commercial hotels. To the Committee on Liquor Laws.

By Mrs. Cooper of Nashua, House Bill No. 216, An act relating to the duties of the Register of Probate. To the Committee on Ways and Means.

By Mr. Sawyer of Woodstock, House Bill No. 217, An act closing Elbow pond in Woodstock to ice fishing. To the Committee on Fisheries and Game.

By Mr. Boothman of Randolph, House Bill No. 218, An act closing the Androscoggin River to fishing. To the Committee on Fisheries and Game.



By Mr. Paine of Berlin, House Bill No. 219, An act closing certain waters in the towns of Cambridge and Errol to fishing. To the Committee on Fisheries and Game.

By Mr. Russell of Conway, House Bill No. 220, An act relating to the use of motor vehicles by recipients of public aid. To the Committee on Judiciary.

By Mrs. Griswold of Nashua, House Bill No. 221, An act in relation to taxation of legacies and successions. To the Committee on Ways and Means.

By Mr. Smith of Seabrook, House Bill No. 222, An act relating to election of school officers by Australian ballot and group tickets. To the Committee on Revision of the Statutes.

By Mr. Nelson of Hopkinton, House Bill No. 223, An act relative to the State Tax on Pari-mutual pools. To the Committee on Ways and Means.

By Mr. Winslow of Chesterfield, House Bill No. 224, An act relative to the powers and duties of the barbers' examining and licensing board and fees for the practice of barbering. To the Committee on Public Health.

By Mrs. Cooper of Nashua, House Bill No. 225, An act establishing a Merit System of Personnel Administration for State employees. To the Committee on Judiciary.

By Mr. Barnard of Manchester, House Bill No. 226, An act establishing a Court of Claims. To the Committee on Judiciary.

By Mr. Liberson of Portsmouth, House Bill No. 227, An act creating a retirement system for policemen. To the Committee on Judiciary.

By Mr. Adams of Hampton, House Bill No. 228, An act relating to the control of navigation at Hampton Harbor, the inlet, so-called, and the Hampton river. To the Committee on Coastwise Improvements.

By Mr. Smith of Hudson, House Bill No. 229, An Act relative to flood control. To the Committee on Judiciary.

By Mr. Smith of Hudson, House Bill No. 230, An act relative to trucks engaged in timber salvaging. To the Committee on Transportation.

By Mr. Sullivan of Manchester, House Bill No. 231, An act relating to salaries of clerks of municipal courts. To the Committee on Judiciary.

By Mr. Greene of Laconia, House Bill No. 232, An act providing for the incorporation of hospital service companies. To the Committee on Public Health.

By Mr. Nelson of Hopkinton, House Bill No. 233, An act in relation to taxation of fallen timber and lumber sawed from same. To the Committee on Ways and Means.

By Mr. Merrow of Ossipee, House Bill No. 234, An act relating to fly fishing for brook trout in Connor pond in Ossipee. To the Committee on Fisheries and Game.

By Mr. Harrison of Concord, House Bill No. 235, An act exempting from registration certain motor trucks engaged in the interstate transportation of furniture. To the Committee on Transportation.

By Mr. Clark of Francestown, House Joint Resolution No. 25, Joint resolution for the improvement of the Bennington road, so called, in the town of Frances-town. To the Committee on Public Improvements.

By Mr. Dreghorn of Warren, House Joint Resolution No. 26, Joint resolution for a memorial work commemorating the sesqui-centennial of the federal constitution. To the Committee on Appropriations.

By Mr. Stuart of Wilmot, House Joint Resolution No. 27, Joint resolution providing for emergency repair of bridges and roads in the town of Wilmot. To the Committee on Public Improvements.

By Mr. Clark of Salisbury, House Joint Resolution No. 28, Joint resolution in favor of Harry S. Taylor. To the Committee on Claims.

By Mr. Noyes of Bethlehem, House Joint Resolution No. 29, Joint resolution relating to the improvement of Mt. Agassiz road, so called, in the town of Bethlehem. To the Committee on Public Improvements.

By Mr. Yeaton of Portsmouth, House Joint Resolution No. 30, Joint resolution to establish a commission to investigate the question of a state pier at Portsmouth. To the Committee on Coastwise Improvements.

By Mr. Rand of Deerfield, House Joint Resolution No. 31, Joint resolution in favor of Willie C. Fife. To the Committee on Claims.

By Mr. Ellery of Keene, House Joint Resolution No. 32, Joint resolution providing for a survey of roadside conditions in the state. To the Committee on Judiciary.

By Mr. Lufkin of Orford, House Joint Resolution No. 33, Joint resolution releasing the town of Orford from payment of highway funds. To the Committee on Appropriations.

By Mr. Michie of Deering, House Joint Resolution No. 34, Joint resolution for the construction of bridges in the town of Deering. To the Committee on Public Improvements.

By Mrs. Robertson of Hinsdale, House Joint Resolution No. 35, Joint resolution for the dredging and straightening of the channel of the Ashuelot river in the town of Hinsdale. To the Committee on Public Improvements.

By Mr. Beede of Fremont, Joint Resolution No. 36, Joint resolution for the improvement of the Sandown road in the Town of Fremont. To the Committee on Public Improvements.

By Mr. Russell of Conway, House Joint Resolution No. 37, Joint resolution in favor of Mount Washington Observatory. To the Committee on Appropriations.

By Mr. Craig of Haverhill, House Bill No. 236, An act providing for improvements at the state senatorium. To the Committee on Appropriations.

By Mr. Gage of Manchester, House Bill No. 237, An act relating to the employment of women and minors in the sale of liquor or beverages. To the Committee on Liquor Laws.

By Mr. Knox of Sandwich, House Bill No. 238, An act relative to the sale of beverages. To the Committee on Liquor Laws.

By Mr. Liberson of Portsmouth, House Bill No. 239, An act relating to side-walks in compact parts of cities, towns or places along state highways or trunk lines. To the Committee on Judiciary.

By Mr. Kimball of Manchester, House Bill No. 240, An act relating to the issuance of off-sale permits to grocery stores opened for business on Sunday. To the Committee on Liquor Laws.

By Mr. Gelinas of Manchester, House Bill No. 241, An act relating to property taxes in the City of Manchester. To the Committee on Ways and Means.

By Mr. Miller of Greenland, House Bill No. 242, An act licensing billboards and advertising signs. To the Committee on Judiciary.

By Mr. Callahan of Keene, House Bill No. 243, An act regulating the number of off-sale permits. To the Committee on Liquor Laws.

By Mr. Craig of Haverhill, House Bill No. 244, An act relating to municipal finances. To the Committee on Judiciary.

By Mr. Corson of Derry, House Bill No. 245, An act relative to fee for fishing license for women. To the Committee on Fisheries and Game.

By Mr. Carpenter of Wolfeboro, House Bill No. 246, An act relating to pickerel. To the Committee on Fisheries and Game.

By Mr. Converse of Pittsburg, House Bill No. 247, An act relating to the taking of brook trout in the Connecticut river and Perry stream. To the Committee on Fisheries and Game.

By Mr. Converse of Pittsburg, House Bill No. 248, An act relating to fishing in Big Brook, Pittsburg. To the Committee on Fisheries and Game.

By Mr. Converse of Pittsburg, House Bill No. 249, An act to close Inlet brook tributary to Black lake in Pittsburg. To the Committee on Fisheries and Game.

By Mr. Converse of Pittsburg, House Bill No. 250, An act relating to brook trout. To the Committee on Fisheries and Game.

By Mr. Hildebrandt of Littleton, House Bill No. 251, An act to authorize branch banking. To the Committee on Banks.

By Mr. Emerson of Milford, House Bill No. 252, An act relating to the salary of the justice of the municipal court of Milford. To the Committee on Judiciary.

By Mr. Garland of Dover, House Bill No. 253, An act relating to clerk hire in the probate office of Strafford County. To the Committee on Judiciary.

By Mr. Barnard of Manchester, House Bill No. 254, An act relating to pedestrians. To the Committee on Revision of the Statutes.

By Mrs. Mason of Berlin, House Bill No. 255, An act providing for an extension of the act relative to the issuance with state guarantee of emergency notes and bonds by towns, cities and counties. To the Committee on Judiciary.

By Mr. Mudgett of Conway, House Bill No. 256, An act relating to bait and fly fishing in Ledge pond in Madison. To the Committee on Fisheries and Game.

By Mr. Lichman of Keene, House Bill No. 257, An act regulating collection agencies. To the Committee on Judiciary.

(Mr. Duncan of Jaffrey in Chair)

By Mr. Dugan of Wilton, House Joint Resolution No. 38, Joint resolution providing for the improvement of certain road in the town of Wilton. To the Committee on Public Improvements.

By Mr. Roche of Keene, House Joint Resolution No. 39, Joint resolution appropriating funds for the purpose of dredging Ashuelot river in the City of Keene. To the Committee on Public Improvements.

By Mr. Russell of Conway, House Joint Resolution No. 40, Joint resolution in favor of Mount Washington Observatory. To the Committee on Appropriations.

By Mr. Swain of Ashland, House Joint Resolution No. 41, Joint resolution providing for the dredging of Squam river. To the Committee on Public Improvements.

By Mrs. MacPhee of Andover, House Joint Resolution No. 42, Joint resolution providing for emergency repair of bridges and roads in the town of Andover. To the Committee on Public Improvements.

By Mr. McIntyre of Whitefield, House Joint Resolution No. 43, Joint resolution in favor of Merle Elliott. To the Committee on Claims.

By Mr. Barnard of Manchester, House Joint Resolution No. 44, Joint resolution in favor of Blanch O. Bachman. To the Committee on Claims.

By Mr. Converse of Pittsburg, House Bill No. 258, An act to regulate the season for taking brook trout from Back lake in Pittsburg. To the Committee on Fisheries and Game.

By Mr. George of Concord, House Bill No. 259, An



act regulating the powers of the Superior Court. To the Committee on Judiciary.

By Mr. Vittum of Tamworth, House Bill No. 260, An act relative to taking deer in Carroll County. To the Committee on Fisheries and Game.

By Mrs. Charois of Greenville, House Bill No. 261, An act relative to penalties for violating certain provisions of the laws relating to fish and game. To the Committee on Fisheries and Game.

By Mr. Merrill of Loudon, House Bill No. 262, An act relative to taking ruffed grouse. To the Committee on Fisheries and Game.

By Mr. Sullivan of Nashua, House Bill No. 263, An act amending the city charter of Nashua. To the Committee on Judiciary.

By Mr. Myhaver of Peterborough, House Bill No. 264, An act to license real estate brokers and salesmen. To the Committee on Judiciary.

By Mr. Frissell of Keene, House Bill No. 265, An act relating to the election of school district officers. To the Committee on Revision of the Statutes.

By Mr. Stowe of Auburn, House Bill No. 266, An act relative to taxation of property of Municipal Water Works. To the Committee on Ways and Means.

By Mr. Gage of Manchester, House Bill No. 267, An act to prohibit liquor advertising in state stores. To the Committee on Liquor Laws.

By Mr. Barnard of Manchester, House Bill No. 268, An act relating to industrial homework. To the Committee on Labor.

By Mr. Barnard of Manchester, House Bill No. 269, An act relating to assignment of wage claims to labor commissioner for recovery by civil action. To the Committee on Revision of the Statutes.

By Mr. Barnard of Manchester, House Bill No. 270,

An act to authorize the Bureau of Labor to assist and cooperate in the enforcement of the federal fair labor standards act of 1938. To the Committee on Revision of the Statutes.

By Mr. Barnard of Manchester, House Bill No. 271, An act to establish an apprenticeship council within the Bureau of Labor; to define the powers and duties of said council. To the Committee on Labor.

By Mr. Young of Tuftonboro, House Bill No. 272, An act relating to standard time. To the Committee on Revision of the Statutes.

By Mr. Dort of Keene, House Bill No. 273, An act relating to the use of firearms on public highways. To the Committee on Fisheries and Game.

By Mr. Hale of Madbury, House Bill No. 274, An act relating to taxation on poultry. To the Committee on Ways and Means.

(The Speaker in the Chair)

### Committee Changes

The Speaker announced the following committee changes.

The Chair announces the following changes in committee assignments which include additions to committees and transfers from one committee to another:

To the Committee on Coastwise Improvement: the member from Rye, Mr. Tucker; the member from Hampton Falls, Mr. Creighton.

To the Committee on Education: the member from Dummer, Mrs. Stiles; the member from Nashua, Mr. St. Francois.

To the Committee on Public Health: the member from Lisbon, Mr. Collins; the member from Nashua, Mrs. Cooper.

Interchange of committee assignments by mutual agreement: the member from Manchester, Mr. Houle,

from the Committee on Mileage to the Committee on Insurance; the member from Manchester, Mr. Dulac, from the Committee on Insurance to the Committee on Mileage.

To the Committee on Appropriations: the member from Manchester, Mr. Booth.

Withdrawals from Committees: Mr. Batchelder of Keene withdraws from the Committee on Elections and the Committee on National Affairs.

The member from Keene, Mr. Lichman, replacing Mr. Batchelder of Keene on the Committee on Elections.

### **Introduction of Bills and Joint Resolutions Resumed**

By Mr. Barnard of Manchester, House Bill No. 275, An act relating to workman's compensation. To the Committee on Judiciary.

By Mr. Whitcomb of Littleton, House Bill No. 276, An act regulating automobile finance business. To the Committee on Insurance.

By Mr. Chase of Manchester, House Bill No. 277, An act relating to advertising in so-called tourist guides. To the Committee on Insurance.

By Mr. Chase of Manchester, House Bill No. 278, An act relating to forms of policies issued by foreign insurance companies. To the Committee on Insurance.

By Mr. Shea of Nashua, House Bill No. 279, An act fixing the amount of old age assistance grants. To the Committee on Revision of the Statutes.

By Mr. Hinman of Stratford, House Bill No. 280, An act to regulate the taking of brook trout in Trio ponds, in Odell. To the Committee on Fisheries and Game.

By Mr. Shea of Nashua, House Bill No. 281, An act relative to recipients of old age assistance. To the Committee on Revision of the Statutes.

By Mr. Merrow of Ossipee, House Joint Resolution No. 45, Joint resolution in favor of Francis Adams Halstead. To the Committee on Claims.

By Mr. O'Brien of Manchester, House Joint Resolution No. 46, Joint resolution to reimburse Herbert C. Trenoweth. To the Committee on Claims.

By Mr. Elkins of Concord, House Bill No. 282, An act relating to investments of life insurance companies. To the Committee on Insurance.

By Mr. Campbell of Canaan, House Bill No. 283, An act legalizing the March, 1934, election in the town of Canaan. To the Committee on Judiciary.

By Mr. Frissell of Keene, House Bill No. 284, An act to revise the charter of the city of Keene. To the Committee on Judiciary.

By Mr. Smith of Hudson, House Bill No. 285, An act relative to state aid for school districts. To the Committee on Education.

By Mr. O'Shan of Laconia, House Joint Resolution No. 47, Joint resolution in favor of the New Hampshire Veterans' Association. To the Committee on Military Affairs.

By Mr. McIntyre of Whitefield, House Joint Resolution No. 48, Joint resolution in favor of John Nigro. To the Committee on Claims.

By Mr. Kelsea of Colebrook, House Joint Resolution No. 49, Joint resolution in favor of Bernie C. Gray. To the Committee on Claims.

By Mr. Hodge of Franconia, House Joint Resolution No. 50, Joint resolution for dredging Gale river in Franconia. To the Committee on Public Improvements.

By Mr. Phelps of Marlow, House Bill No. 286, An act increasing poll taxes. To the Committee on Ways and Means.

By Mr. Swift of New London, House Bill No. 287, An act regulating the transportation of household goods at night time. To the Committee on Judiciary.

By Mr. Kelsea of Colebrook, House Bill No. 288, An act relative to the terms of the superior court in the county of Coos. To the Committee on Judiciary.

By Mr. Nutter of Rollinsford, House Bill No. 289, An act relative to the definition of "benefit year" under the unemployment compensation law. To the Committee on Revision of the Statutes.

By Mr. Myhaver of Peterboro, House Bill No. 290, An act relating to the removal of trees near certain highways. To the Committee on Public Improvements.

By Mr. Sanderson of Pittsfield, House Bill No. 291, An act relating to narcotic drugs. To the Committee on Public Health.

By Mr. French of Lebanon, House Bill No. 292, An act relating to hunting of deer. To the Committee on Fisheries and Game.

By Mr. Dupont of Pembroke, House Bill No. 293, An act relating to revocation of motor vehicle license and registration for non-payment of gasoline bills. To the Committee on Transportation.

By Mr. Smith of Seabrook, House Bill No. 294, An act relating to the election of selectmen. To the Committee on Revision of the Statutes.

By Mrs. Robertson of Hinsdale, House Bill No. 295, An act for the purpose of rehabilitation of orchards destroyed by hurricane. To the Committee on Agriculture.

By Mr. Donnelly of Manchester, House Bill No. 296, An act relating to the celebration of LaFayette's birthday. To the Committee on Judiciary.

By Mr. Tozier of Exeter, House Bill No. 297, An act relating to ballots used in elections. To the Committee on Revision of Statutes.

By Mr. Caron of Manchester, House Bill No. 298, An act relating to licenses to operate motor vehicles. To the Committee on Transportation.

By Mr. Hayes of Dover, House Bill No. 299, An act relative to the secondary highway system. To the Committee on Public Improvements.

By Mr. Jean of Manchester, House Bill No. 300, An act to make uniform the law with reference to trust receipts and pledges of personal property unaccompanied by possession in the pledgee. To the Committee on Judiciary.

By Mr. Chickering of Walpole, House Bill No. 301, An act relating to horse racing and creating a state racing commission. To the Committee on Ways and Means.

By Mr. Leonard of Grafton, House Bill No. 302, An act relating to trapping. To the Committee on Fisheries and Game.

By Mr. French of Lebanon, House Bill No. 303, An act relating to salmon and lake trout. To the Committee on Fisheries and Game.

By Mr. French of Lebanon, House Bill No. 304, An act relating to open and closed season for brook trout. To the Committee on Fisheries and Game.

By Mr. French of Lebanon, House Bill No. 305, An act relating to brook trout. To the Committee on Fisheries and Game.

By Mr. Smith of Seabrook, House Bill No. 306, An act relating to elections. To the Committee on Revision of Statutes.

By Mr. O'Shan of Laconia, House Bill No. 307, An act relating to advertising. To the Committee on Judiciary.

### Orders Vacated

On motion of Mr. St. Francois of Nashua the order whereby House Bill No. 263, An act amending the city charter of Nashua was referred to the Committee on Judiciary be vacated and the rules be suspended and



that the bill be referred to a Special Committee consisting of the Delegation of the City of Nashua.

On motion of Mr. Hayes of Rochester the order whereby House Bill No. 253, An act relating to Clerk hire in the probate office of Strafford County was referred to the Committee on Judiciary be vacated and the rules suspended and the bill be referred to a Special Committee consisting of the Delegation from the County of Strafford.

On motion of Mr. Sullivan of Manchester the order whereby House Bill No. 231, An act relating to the salaries of clerks of municipal courts was referred to the Committee on Judiciary be vacated and the rules be suspended and the bill referred to a Special Committee consisting of the Delegation from the city of Manchester.

On motion of Mr. Frissell of Keene the order whereby House Bill No. 284, An act to revise the charter of the city of Keene was referred to the Committee on Judiciary be vacated and the rules be suspended that the bill be referred to the Special Committee consisting of the Delegation from the City of Keene.

On motion of Mr. Frissell of Keene the Clerk was instructed to procure 500 additional copies of House Bill No. 284, An act to revise the charter of the City of Keene.

### Qualified

The following named representative having qualified before His Excellency, the Governor, appeared and took his seat as a member of the House.

Elwain Smith of Troy.

On motion of Mr. George of Concord the House adjourned from the morning session.

The House was immediately called to order in afternoon session.

**Afternoon****Third Readings**

On motion of Mr. Barnard of Manchester the rules are suspended and the third reading of bills by their title made in order.

House Bill No. 35, An act relating to the charter of the city of Somersworth.

Read a third time and passed and sent to the Senate for concurrence.

On motion of Mr. Phelps of Marlow at 7:10 o'clock the House adjourned.

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WEDNESDAY, JANUARY 25, 1939.

Prayer was offered by the Chaplain.

**Leaves of Absence**

Mr. Babcock of Claremont was granted leave of absence for the week on account of illness.

Mr. Neal of Meredith was granted leave of absence for the day on account of illness.

**Committee Reports**

Mr. Marshall of Northumberland, for the Committee on Agriculture, to whom was referred House Bill No. 103, An act in regard to the sale of milk, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Normandin of Laconia, for the Committee on Judiciary, to whom was referred House Bill No. 4, An act in relation to licensing painters, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Normandin of Laconia, for the Committee on Judiciary, to whom was referred House Bill No. 12, An act relating to exemptions from taxation, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

### Resolutions

Mr. Woodbury of Manchester offered the following resolution:

*Whereas*, Robert Burns, the great Scottish poet, author of Auld Lang Syne, was born 180 years ago to-day, and

*Whereas*, Burns appeals to emotions common to all men, and alike in tenderness and humor, is everywhere read with affection, and

*Whereas*, in 1792, he wrote about 100 songs as accompaniments to the melodies of Scotland.

*Therefore, Be It Resolved*, That when the House adjourns today it will adjourn in the memory of Robert Burns, the Poet.

On a *viva voce* vote the resolution was adopted.

On motion of Mr. Baker of Concord.

*Resolved*, That when the House adjourns this morning it be to meet tomorrow morning at 11:00 o'clock, and that business in order at 3:00 o'clock this afternoon made in order at the present time.

On motion of Mr. Roche of Keene at 11:30 o'clock the House adjourned.

## THURSDAY, JANUARY 26, 1939.

The House met at 11:00 o'clock.

Prayer was offered by the Chaplain.

**Leaves of Absence**

Messrs. Pulsifer of Campton, Hunter of Hanover, Ballou of Laconia and Tilton of Concord were granted leaves of absence for the day on account of important business.

Mr. Lane of Stoddard was granted leave of absence for Tuesday, January 31, on account of important business.

**Resolution**

On motion of Mr. Callahan of Keene,

*Resolved*, That when the House adjourns this morning it be to meet tomorrow morning at 9:00 o'clock and that when it then adjourns it adjourns to meet Monday evening at 7:00 o'clock.

**Committee Reports**

Mr. Sawyer of Woodstock for the Committee on Engrossed Bills reported that the committee had examined and found correctly engrossed the following entitled bill:

House Bill No. 55, An act validating certain proceedings of the town school district of Conway.

The report was accepted.

Mr. Bachelder of Northfield for the Committee on Claims, to whom was referred House Joint Resolution No. 11, Joint resolution in favor of Guy O. Hollis, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Normandin of Laconia for the Committee on Judiciary, to whom was referred House Bill No. 90, An act amending the charter of the New Hampshire Congregational Christian Conference, reported the same with the following recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

On motion of Mr. Fernald of Dover the rules were suspended, the bill made in order for a third reading by its title and final passage at the present time.

Read a third time, passed and sent to the Senate for concurrence.

Mr. Normandin of Laconia for the Committee on Judiciary, to whom was referred House Bill No. 50, An act relating to breach of contract to marry, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Normandin for Laconia for the Committee on Judiciary, to whom was referred House Bill No. 8, An act relative to the method of inflicting capital punishment, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Normandin of Laconia for the Committee on Judiciary, to whom was referred House Bill No. 87, An act abolishing the death penalty, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The question being on the report of the committee.

Mr. Sherry of Dover moved that the words "ought to pass" be substituted for the words "inexpedient to legislate" and with that motion pending the bill and

the accompanying report be laid upon the table and made a special order for Tuesday, January 31, at 11:01 o'clock.

The question being on the motion of Mr. Sherry.

(Discussion ensued)

Mr. Tilton of Ward 4, Laconia, spoke against the motion.

On a *viva voce* vote the motion was not adopted.

The question being on the report of the committee.

Mr. Sherry of Dover moved that the words "ought to pass" be substituted for the words "inexpedient to legislate."

The question being on the motion of Mr. Sherry.

(Discussion ensued)

Messrs. Sherry and Hayes of Dover spoke for the motion.

Mr. Tilton of Ward 4, Laconia, and Mr. Bass of Peterborough spoke against the motion.

Mr. Elkins of Concord moved the previous question.

The question being,

Shall the main question now be put?

On a *viva voce* vote the previous question was ordered.

The question being on the motion to substitute.

On a *viva voce* vote the motion was not adopted.

The question being on the report of the Committee that it is inexpedient to legislate.

On a *viva voce* vote the report of the committee was accepted and the resolution adopted.

### Petitions Presented and Referred

Petition from the citizens of Rindge and petition of the Bible Class of the First Baptist Church of Nashua, N. H., protesting pari-mutuel.



The petitions were presented and referred to the Committee on Ways and Means.

### Senate Message

A message from the Honorable Senate announced that the Senate had passed bills with the following titles, in the passage of which it asked the concurrence of the House of Representatives:

Senate Bill No. 4, An act to increase the salary of the county treasurer of Sullivan.

Senate Bill No. 2, An act providing for emergency use of motor vehicle trucks for timber salvaging.

### Senate Bills Read and Referred

Senate Bill No. 2, An act providing for emergency use of motor vehicle trucks for timber salvaging.

Read a first and second time and referred to the Committee on Transportation.

Senate Bill No. 4, An act to increase the salary of the County Treasurer of the County of Sullivan.

Read a first and second time and referred to the Committee on Revision of the Statutes.

### Order Vacated

On motion of Mr. Hutchins of Charleston the order whereby Senate Bill No. 4, An act to increase the salary of the County Treasurer of the County of Sullivan was referred to the Committee on Revision of the Statutes, be vacated, the rules suspended, and the bill referred to a Special Committee consisting of the Delegation from the County of Sullivan.

### Resolution

On motion of Mr. Merrow of Ossipee,

*Resolved*, That the Ways and Means Committee be allowed the use of Representatives' Hall for a public committee hearing Tuesday, January 31, at 1:30 p. m.

On motion of Mr. Callahan of Keene at 12:20 o'clock the House adjourned.

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FRIDAY, JANUARY 27, 1939.

The House met at 9 o'clock.

The following letter was read by the Clerk:

Friday, January 27, 1939.

Mr. George H. Nash,  
Concord, N. H.

DEAR SIR:

I shall be unable to attend the session on Friday morning. Will you kindly preside for me and oblige.

Yours respectfully,

ANSEL N. SANBORN,  
*Speaker.*

On motion of Mr. Baker of Concord at 9:01 o'clock the House adjourned.

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MONDAY, JANUARY 30, 1939.

The House met at 7:00 o'clock.

The following letter was read by the Clerk:

Monday, January 30, 1939.

Mr. Leonard A. Fernald,  
Jackson, N. H.

DEAR SIR:

I shall be unable to attend the session on Monday evening. Will you kindly preside for me and oblige.

Yours respectfully,

ANSEL N. SANBORN,  
*Speaker.*

There being no quorum present at 7:01 o'clock the House adjourned.

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TUESDAY, JANUARY 31, 1939.

The House met at 11:00 o'clock.

Prayer was offered by the Chaplain.

### Leaves of Absence

Mr. Lord of Gilford was granted leave of absence for the day on account of important business.

Mr. Marquis of Nashua was granted leave of absence for the day on account of a fire in his home.

Mr. Cryan of Lancaster was granted leave of absence for the day on account of an accident.

Mr. Etsler of Claremont was granted leave of absence for the day on account of attending a funeral.

Mr. Yeaton of Epsom was granted leave of absence for Wednesday on account of important business.

Mr. Hough of Lebanon was granted leave of absence for Tuesday and Wednesday on account of important business.

Mr. Pennell of Exeter was granted leave of absence for the week on account of illness.

Mrs. Soper of Littleton was granted leave of absence for the week on account of illness.

### Petitions Presented and Referred

Petition from citizens of Lebanon, Antrim Baptist Church and the Lake Region Brotherhood protesting legalizing gambling.

Presented and referred to Committee on Ways and Means.

### Committee Reports

Mr. Batchelder of Northfield for the Committee on Claims, to whom was referred House Joint Resolution No. 5, Joint resolution in favor of the City of Concord, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Carpenter of Wolfeboro for the Committee on Fisheries and Game, to whom was referred House Bill No. 34, An act relating to the taking of hares and rabbits, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate, subject matter covered by other legislation.

The report was accepted and the resolution of the committee adopted.

Mrs. Bixby of Berlin for the Committee on Liquor Laws, to whom was referred House Bill No. 37, An act relating to the hours of sale of "on-sale" beverages, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Carpenter of Wolfeboro for the Committee on Fisheries and Game, to whom was referred House Bill

No. 111, An act relating to pickerel fishing in Rust pond in Wolfeboro, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1. Amend paragraph V, section 4, chapter 155 of the Laws of 1935, as inserted by chapter 96 of the Laws of 1937, by striking out in line two the words, "Rust pond in Wolfeboro." so that said paragraph as amended shall read as follows:

V. Pemigewasset river, Post pond in Lyme, Rocky pond in Wentworth, Round pond in Lyman.

2. Amend paragraph III, section 4, chapter 155 of the Laws of 1935, as inserted by chapter 96 of the Laws of 1937, by striking out in lines two and three the words, "Mirror lake in Tuftonboro and Wolfeboro," so that said paragraph as amended shall read as follows:

III. Mason pond in Orford, Merrymeeting lake in New Durham, Middleton reservoir in Middleton, Mirror lake in Woodstock.

3. *Takes Effect.* This act shall take effect upon its passage.

The report was accepted, the amendment adopted and the bill ordered to a third reading.

Mr. Carpenter of Wolfeboro for the Committee on Fisheries and Game, to whom was referred House Bill No. 110, An act relating to Lake Wentworth in Wolfeboro, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Normandin of Laconia for the Committee on Judiciary, to whom was referred House Bill No. 61, An

act relating to emergency public works, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Normandin of Laconia for the Committee on Judiciary, to whom was referred House Bill No. 65, An act legalizing the November, 1938, election in the town of Barnstead, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. St. Francois of Nashua for the Committee on Military Affairs, to whom was referred House Joint Resolution No. 15, Joint resolution memorializing the Federal Hospitalization Board of the United States Veterans Administration, reported the same with the recommendation that the joint resolution ought to pass.

The report was accepted and the joint resolution ordered to a third reading.

On motion of Mr. Fernald of Dover, business in order at three o'clock, was made in order at the present time.

### Third Readings

On motion of Mr. Fernald of Dover the rules were suspended and the third readings of bills by their titles and joint resolutions by their captions made in order.

House Bill No. 61, An act relating to emergency public works.

House Bill No. 65, An act legalizing the November, 1938, election in the town of Barnstead.

House Bill No. 110, An act relating to Lake Wentworth in Wolfeboro.



House Bill No. 111, An act relating to pickerel fishing in Rust pond in Wolfeboro.

House Joint Resolution No. 15, Joint resolution memorializing the Federal Hospitalization Board of the United States Veterans' Bureau.

Severally read a third time and passed and sent to the Senate for concurrence.

On motion of Mr. Baker of Concord.

*Resolved*, That the rules be suspended, and that when the House adjourns this morning it adjourns to meet tomorrow morning at 11:00 o'clock

### Resolutions

Mr. Greene of Laconia offered the following resolution:

*Resolved*, That the Sergeant-at-Arms be instructed to purchase suitable records, one for each county and one for each committee of the House, and require that each member attending the legislative sessions sign with ink in own handwriting once for each and every day present. Signature shall include full name and seat number of member on the general legislative record and the same on the record of any legislative committee of which said representative is a member. At the close of the legislative session the sergeant-at-arms is hereby instructed to mail to the town or city clerk of the town or city where each member resides a certified copy of the record of attendance of each member showing number of times present and absent at the general sessions and committee sessions and number of times excused for illness or other stated reasons.

The question being on the resolution.

(Discussion ensued)

Mr. Greene of Laconia spoke in favor of the resolution.

On a *viva voce* vote the resolution was not adopted.

### Committee Changes

The Speaker announced the following committee changes.

The member from Rye, Mr. Tucker, withdraws from the Committee on State Hospital. The member from Portsmouth, Mr. Gray, is assigned to the Committee on State Hospital, replacing the member from Rye, Mr. Tucker.

The member from Hopkinton, Mr. Nelson, withdraws from the Committee on Ways and Means and is assigned to the Committee on Appropriations.

The member from Marlborough, Mr. Tarbox, is assigned to the Committee on Ways and Means, replacing the member from Hopkinton, Mr. Nelson.

To the Committee on Banks: The member from Derry, Mr. Grinnell; the member from Manchester, Mr. O'Neil.

The member from Rochester, Mr. Potvin, withdraws from the Committee on Transportation and is assigned to the Committee on Elections.

The member from Gilsum, Miss Hanson, is assigned to the Committee on Transportation.

The member from Pembroke, Mr. Dupont, is assigned to the Committee on National Affairs.

On motion of Mr. Fernald of Dover, at 11:47 o'clock the House adjourned.

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WEDNESDAY, FEBRUARY 1, 1939.

The House met at 11:00 o'clock.

Prayer was offered by the Chaplain.

### Leaves of Absence

Mr. Emerson of Dalton was granted leave of absence for the day on account of illness.

Mr. Tilton of Laconia, Ward 4, was granted leave of absence for the day on account of important business.

Mr. Jewell of Wolfeboro was granted leave of absence for the remainder of the week on account of important business.

Mr. Craig of Haverhill was granted leave of absence for Thursday, February 2, on account of town business.

Mr. Marquis of Nashua was granted leave of absence for the remainder of the week on account of fire in his home.

### Bills Engrossed

Mrs. Batchelder of Hanover for the Committee on Engrossed Bills reported that the committee had examined and found correctly engrossed the following entitled joint resolution:

House Joint Resolution No. 4, Joint resolution in favor of Guy S. Neal and others.

The report was accepted.

### Committee Reports

Mr. Normandin of Laconia, for the Committee on Judiciary to whom was referred House Bill No. 81, An act abolishing causes of action for breach of contract to marry, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Barnard of Manchester, for the Committee on Revision of Statutes, to whom was referred House Bill No. 3, An act relating to licenses for motor vehicles, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Barnard of Manchester, for the Committee on Revision of Statutes, to whom was referred House Bill No. 2, An act creating sub-offices for registration and licensing motor vehicles, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Carpenter of Wolfeboro, for the Committee on Fisheries and Game, to whom was referred House Bill No. 31, An act relating to taking of hares and rabbits, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Carpenter of Wolfeboro, for the Committee on Fisheries and Game, to whom was referred House Bill No. 246, An act relating to pickerel, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate, subject matter covered by other legislation.

The report was accepted and the resolution of the committee adopted.

Mr. Emerson of Milford, for the Committee on Public Improvements, to whom was referred House Bill No. 89, An act relating to naming that portion of the state highway between Bristol and Meredith, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Batchelor of Keene, for the Committee on Transportation, to whom was referred House Bill No. 230, An act relative to trucks engaged in timber salvaging, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Carpenter of Wolfeboro, for the Committee on Fisheries and Game, to whom was referred House Bill No. 114, An act relating to non-resident fur dealers, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Carpenter of Wolfeboro, for the Committee on Fisheries and Game, to whom was referred House Bill No. 203, An act relating to the taking of raccoon, reported the same with the following admendment, and the recommendation that the bill as amended ought to pass.

Amend section 2 by adding after the word, "long" in line eight the word, rifle, and by striking out the word "three" in line twelve and inserting in place thereof the word seven, so that said section as amended shall read as follows:

2. *Raccoons.* Raccoons may be taken and possessed with the aid of and by the use of a dog and gun from October first to December first. No person shall take more than three raccoons from twelve noon of one day to twelve noon of the following day, nor more than ten raccoons in one season. No person shall hunt raccoons at night by the use of a rifle, revolver or pistol larger than twenty two calibre long rifle or by the use of shotgun shells carrying shot larger than number four or by the use of a light other than a kerosene lantern exclusive of the pressure type or a flashlight with more than seven cells.

The report was accepted, the amendment adopted and the bill ordered to a third reading.

### Senate Message

A message from the Honorable Senate announced that the Senate had passed a bill with the following title, in the passage of which it asked the concurrence of the House of Representatives:

Senate Bill No. 1, An act authorizing joint control by sureties.

### Senate Bill Read and Referred

Senate Bill No. 1, An act authorizing joint control by sureties.

Read a first and second time and referred to the Committee on Insurance.

### Petitions Presented and Referred

Petitions from Sanbornton Congregational Church, Lisbon Methodist Episcopal Church, The First Congregational Church of Claremont, and Wilton Baptist Church and Congregation, protesting against parimutuel.

### Resolution

Mr. Plummer of Milton offered the following resolution:

*Resolved*, That all members of the House of Representatives are hereby instructed to personally sign the attendance and mileage roster once each week. Said roster to be located in the Sergeant-at-Arms' Room.

On a *viva voce* vote the resolution was adopted.

On motion of Mr. Fernald of Dover business in order at 3:00 o'clock was made in order at the present time.

### Third Readings

On motion of Mr. Fernald of Dover the rules were suspended and the third readings of bills by their titles made in order.



House Bill No. 114, An act relating to non-resident fur dealers.

House Bill No. 203, An act relating to the taking of racoon.

Severally read a third time and passed and sent to the Senate for concurrence.

On motion of Mr. Fernald of Dover,

*Resolved*, That the rules be suspended and that when the House adjourns this morning it be to meet tomorrow morning at 11:00 o'clock.

### Presentation

Mr. Wadleigh of Milford on behalf of Mr. Tucker of Rye presented the Speaker with a gavel.

### Qualified

The following named representative having qualified before His Excellency, the Governor, appeared and took his seat as a member of the House. Earl M. Currier, of South Hampton.

On motion of Mr. Sherry of Dover at 11:45 o'clock the House adjourned.

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THURSDAY, FEBRUARY 2, 1939.

The House met at 11:00 o'clock.

Prayer was offered by the Chaplain.

### Leaves of Absence

Mr. Mudgett of Conway was granted leave of absence for the day on account of important business.

Mrs. Charois of Greenville was granted leave of absence for the day on account of important business.

Mr. Hunter of Hanover was granted leave of absence for the day on account of important business.

Mr. Stuart of Wilmot was granted leave of absence for the day on account of important business.

### Committee Reports

Mr. Marshall of Northumberland for the Committee on Agriculture, to whom was referred House Bill No. 117, An act relating to the diseases of domestic animals, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill referred to the Committee on Appropriations under the rules.

Mr. St. Francois of Nashua for the Committee on Military Affairs, to whom was referred House Joint Resolution No. 22, Joint resolution appropriating funds for the publication of wartime military records, reported the same with the recommendation that the joint resolution ought to pass.

The report was accepted and the joint resolution referred to the Committee on Appropriations under the rules.

Mr. St. Laurent of Somersworth for the Committee on Industrial School, to whom was referred House Joint Resolution No. 7, Joint resolution relating to roads and landscaping at the State Industrial School, reported the same with the recommendation that the joint resolution ought to pass.

The report was accepted and the joint resolution referred to the Committee on Appropriations under the rules.

Mr. St. Laurent of Somersworth for the Committee on Industrial School, to whom was referred House Joint Resolution No. 8, Joint resolution relating to the purchase of window grills for the State Industrial School, reported the same with the recommendation that the joint resolution ought to pass.

The report was accepted and the joint resolution referred to the Committee on Appropriations under the rules.

Mr. St. Laurent of Somersworth for the Committee on Industrial School, to whom was referred House Joint Resolution No. 9, Joint resolution providing for additional steam facilities at the State Industrial School, reported the same with the recommendation that the joint resolution ought to pass.

The report was accepted and the joint resolution referred to the Committee on Appropriations under the rules.

Mr. St. Laurent of Somersworth for the Committee on Industrial Schools, to whom was referred House Joint Resolution No. 10, Joint resolution providing for maintenance of state owned houses at the State Industrial School, reported the same with the recommendation that the joint resolution ought to pass.

The report was accepted and the joint resolution referred to the Committee on Appropriations under the rules.

Mr. St. Laurent of Somersworth for the Committee on Industrial School, to whom was referred House Bill No. 64, An act providing for the remodelling of the Old Main Building at the State Industrial School, reported the same with the following amendments, and the recommendation that the bill as amended ought to pass.

Amend by inserting the following new section after section 6.

7. *Federal Aid.* Such funds as may be made available by the Government of the United States or any agency thereof shall be used to aid in the remodeling of said building.

Further amend by renumbering section 7, section 8.

The report was accepted, the amendments adopted, and the bill referred to the Committee on Appropriations under the rules.

Mr. Normandin of Laconia, for the Committee on Judiciary, to whom was referred House Bill No. 80, An act in relation to trustee process, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Marshall of Northumberland, for the Committee on Agriculture, to whom was referred House Bill No. 116, An act relating to the practice of Veterinary Medicine, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Normandin of Laconia, for the Committee on Judiciary, to whom was referred House Bill No. 130, An act authorizing the town of Newmarket to issue refunding notes or bonds, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Barnard of Manchester, for the Committee on Revision of Statutes, to whom was referred House Bill No. 40, An act prohibiting the publication by county officials of names of persons receiving soldiers' aid, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Barnard of Manchester, for the Committee on Revision of Statutes, to whom was referred House Bill No. 49, An act relating to City and Town Tax Collectors' Association, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Mudgett of Conway, for the Committee on Transportation, to whom was referred Senate Bill No. 2, An act providing for emergency use of motor vehicle trucks for timber salvaging, reported the same with the following amendments, and the recommendation that the bill as amended ought to pass.

Amend by striking out section 4 and inserting in place thereof the following:

4. *Agricultural Trucks.* Any motor truck properly registered or to be registered as an agricultural truck in accordance with the provisions of chapter 45, Laws of 1935, may be used for hauling the logs or logging equipment of the owner thereof on any public highway during the period from the date of the passage of this act and July 1, 1939, without the payment of any additional registration fee other than that required by said chapter 45.

Amend section 2 by adding at the end thereof the following: Any motor truck, owned by a resident, which has already been registered for the fiscal year 1938-1939 or which shall be registered for the fiscal year 1939-1940, may be registered for the period from date of application and July 1, 1939 to carry an increased gross tonnage over its declared tonnage for other uses for the sole purpose of hauling logs or logging equipment, upon the payment to the motor vehicle commissioner of a fee equal to one-third of the amount by which such fee would otherwise be increased because of such increased gross tonnage, under the provisions of chapter 102 of the Public Laws, as amended, so that said section as amended shall read as follows: 2. *Resident Motor Trucks: Special Registration.* Any motor truck, which has not been registered for the fiscal year 1938-1939, owned by a resi-

dent, which is to be operated in hauling logs or logging equipment, upon the payment of the required fee as herein provided, may, if the owner thereof has secured from the motor vehicle commissioner a special certificate of registration, be operated upon the highways of this state for the period from the date of issue of said certificate until July 1, 1939. The amount of the fee for such certificate shall be one-third of the amount which would otherwise be required for one year's registration for said motor truck under the provisions of section 1 of chapter 102 of the Public Laws, as amended. Provided that for such special registration the owner shall not be required to obtain a permit for registration from the city or town wherein he resides and shall not be required to pay the fee for such municipal permit. Any motor truck, owned by a resident, which has already been registered for the fiscal year 1938-1939, or which shall be registered for the fiscal year 1939-1940, may be registered for the period from date of application and July 1, 1939 to carry an increased gross tonnage over its declared tonnage for other uses for the sole purpose of hauling logs or logging equipment, upon the payment to the motor vehicle commissioner of a fee equal to one-third of the amount by which such fee would otherwise be increased because of such increased gross tonnage, under the provisions of chapter 102 of the Public Laws, as amended.

Amend by inserting after section 5 the following new section:

5A. *Credit on Fees Paid.* All monies paid to the motor vehicle commissioner for special registration certificates under this chapter shall be credited to the owner of any motor truck specially registered hereunder who shall thereafter desire to register such motor truck for general use in accordance with the



provisions of chapter 102 of the Public Laws, as amended; and the fee payable under said Chapter 102 shall be reduced by the amount already paid for a special registration certificate under this chapter. This section shall not be construed to relieve any person from the payment of any fees required by section 2.

The report was accepted, the amendments adopted and the bill ordered to a third reading.

### Resolutions

On motion of Mr. Callahan of Keene,

*Resolved*, That when the House adjourns this morning it adjourns to meet Friday morning at 9 o'clock and that when it then adjourns it adjourns to meet Monday evening at 6 o'clock.

On motion of Mr. Fernald of Dover, business in order at 3:00 o'clock was made in order at the present time.

### Third Readings

On motion of Mr. Fernald of Dover, the rules were suspended and the third readings of bills by their titles made in order.

House Bill No. 40, An act prohibiting the publication by county officials of names of persons receiving soldiers' aid.

House Bill No. 49, An act relating to City and Town Tax Collectors' Association.

House Bill No. 116, An act relating to the practice of veterinary medicine.

House Bill No. 130, An act authorizing the town of Newmarket to issue refunding notes or bonds.

Severally read the third time and passed and sent to the Senate for concurrence.

Senate Bill No. 2, An act providing for emergency use of motor vehicle trucks for timber salvaging.

Read the third time and passed and sent to the Senate for concurrence in the amendment.

### Resolution

Mr. Duncan of Jeffrey offered the following resolution:

*Resolved*, That the paragraph of Rule No. 35, relating to the duties of the Commission on Public Improvements be amended by inserting after the word "State" the words "except coastwise improvements", so that same shall read as follows "it shall be the duty of the Committee on Public Improvements to consider all matters pertaining to public improvements in the state except coastwise improvements that may be referred to it."

The resolution was referred to the Committee on Rules.

On motion of Mr. Gelinas of Manchester at 1:30 o'clock the House adjourned.

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FRIDAY, FEBRUARY 3, 1939.

The House met at 9 o'clock.

The following letter was read by the Clerk:

Friday, February 3, 1939.

Mr. George H. Nash,  
Concord, N. H.

DEAR SIR:

I shall be unable to attend the session on Friday morning. Will you kindly preside for me and oblige.

Yours respectfully,

ANSEL N. SANBORN,  
*Speaker.*

There being no quorum present at 9:01 o'clock the House adjourned.

MONDAY, FEBRUARY 6, 1939.

The House met at 7:00 o'clock.

The following letter was read by the Clerk:

Monday, February 6, 1939.

Mr. Albert S. Baker,  
Concord, N. H.

DEAR SIR:

I shall be unable to attend the session on Monday evening. Will you kindly preside for me and oblige.

Yours respectfully,

ANSEL N. SANBORN,  
*Speaker.*

There being no quorum present at 7:01 o'clock the House adjourned.

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TUESDAY, FEBRUARY 7, 1939.

The House met at 11:00 o'clock.

Prayer was offered by Mr. Etsler of Claremont.

#### Leaves of Absence

Mrs. Soper of Littleton was granted leave of absence until further notice on account of illness.

Mr. Marston of Portsmouth was granted leave of absence until further notice on account of illness in family.

Mr. Hunter of Hanover was granted leave of absence for the week of February 7, on account of absence from the state.

Mr. Gage of Manchester was granted leave of absence for Wednesday on account of important business.

Mrs. Greenfield of Rochester was granted leave of absence for the day on account of important business.

Mr. Carter of Merrimack was granted leave of absence for the day on account of illness.

### Committee Reports

Mr. Habel of Somersworth for the Committee on Elections, to whom was referred petition of Bert P. Shore of Lebanon, praying for a seat in the House reported the same with the following resolution:

*Resolved*, That the petition be denied. The committee, however, would like to qualify its report, stating that although they arrived at this decision unanimously, that there are so many discrepancies between the original returns and recounts, that they deem it advisable to point out to the House that there was, without any question, gross negligence, laxity, and failure to comply with the election laws, and other irregularities, but in view of the fact that the committee could judge only by the ballots before it, it must deny this petition.

The report was accepted and the resolution of the committee adopted.

Mr. Habel of Somersworth for the Committee on Elections, to whom was referred petition of Vernon W. King of Lebanon, praying for a seat in the House, reported the same with the following resolution:

*Resolved*, That the petition be denied. The committee, however, would like to qualify its report, stating that although they arrived at this decision unanimously, that there are so many discrepancies between the original returns and recounts, that they deem it advisable to point out to the House that there was,

without any question, gross negligence, laxity and failure to comply with the election laws, and other irregularities, but in view of the fact that the committee could judge only by the ballots before it, it must deny this petition.

The report was accepted and the resolution of the committee adopted.

Mr. Carpenter of Wolfeboro, for the Committee on Fisheries and Game, to whom was referred House Bill No. 212, An act to close Fernald brook in Wolfeboro to smelt fishing, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate, subject matter covered by other legislation.

The report was accepted and the resolution of the committee adopted.

Mr. Carpenter of Wolfeboro, for the Committee on Fisheries and Game, to whom was referred House Bill No. 121, An act providing for the protection of private owners of ponds, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Carpenter of Wolfeboro, for the Committee on Fisheries and Game, to whom was referred House Bill No. 42, An act relating to trolling, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Carpenter of Wolfeboro, for the Committee on Fisheries and Game, to whom was referred House Bill No. 17, An act closing Angle pond in the towns of Hampstead and Sandown to ice fishing, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Carpenter of Wolfeboro, for the Committee on Fisheries and Game, to whom was referred House Bill No. 91, An act closing Wash pond in Hampstead to ice fishing, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Carpenter of Wolfeboro, for the Committee on Fisheries and Game, to whom was referred House Bill No. 47, An act relating to smelt fishing, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend by striking out all after the enacting clause and inserting in place thereof the following:

1. *Smelt Fishing.* Amend section 6, chapter 155 of the Laws of 1935 as amended by section 1, chapter 73 of the Laws of 1937 by inserting after the words "Nubanusit lake" in line seventeen the words, and all its tributaries, and by inserting after the words "New London" in line twenty-one the words, Spofford lake and its tributaries in the town of Chesterfield, Fernald brook flowing into Lake Wentworth in Wolfeboro and the mouth of Fernald brook where it flows into the lake for an area of 50 feet out into the lake, so that said section as amended shall read as follows:

6. *Closed Waters.* The following waters are closed to smelt fishing: Dana Hines brook in Meredith, Dublin pond and the outlet as far as Clark's Mill pond dam in Dublin, White pond in Ossipee, Black brook in Sanbornton for a distance of two hundred yards above its middle mouth to a point one hundred and fifty yards out into the lake from its middle mouth, Massabesic lake and all its tributaries in Manchester and Auburn, Silver lake and its tributaries in



Madison, Massasecum lake in Bradford, Pleasant pond and its tributaries in Deerfield, Mascoma river in Mascoma and Lebanon from the outlet of the lake to the south ends of the abutment of the first railroad bridge, First Connecticut lake and its tributaries in Pittsburg, all tributaries of Sunapee lake, Highland lake and its tributaries in Andover, all tributaries of Webster lake in Franklin, Echo lake in Marlow and Lempster, Inlet brook to Ledge pond in Madison, all tributaries of Loon lake in Freedom, Nubanusit lake and all its tributaries in Hancock and Nelson, Silver lake in Nelson and Harrisville, Mill brook from White Oak pond to Big Squam lake in Holderness, all tributaries to Lake Tarleton in Piermont and Swanzey lake in Swanzey, and all tributaries of Little Sunapee lake in New London, Spofford lake and its tributaries in the town of Chesterfield, Fernald brook flowing into Lake Wentworth in Wolfeboro and the mouth of Fernald brook where it flows into the lake for an area of 50 feet out into the lake and Bradley lake in Andover.

2. *Takes Effect.* This act shall take effect upon its passage.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mr. Baker of Concord for the Committee on Rules reported the following entitled bill, House Bill, No. 308, An act providing for reports to be made concerning children with impaired hearing, with the recommendation that the bill be referred to the Committee on Public Health.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Public Health.

Mr. Hunter of Hanover for the Committee on Rules reported the following entitled bill, House Bill No. 309,

An act relating to investment of trust funds of towns with the recommendation that the bill be referred to the Committee on Banks.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Banks.

Mr. Etsler of Claremont for the Committee on Rules reported the following entitled bill, House Bill No. 310, An act to provide for the revision of the public laws pertaining to all forms of insurance, with the recommendation that the bill be referred to the Committee on Insurance.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Insurance.

Mr. Boynton of Hillsborough for the Committee on Rules reported the following entitled bill, House Bill No. 311, An act relating to appeals from orders of the Insurance Commissioner, with the recommendation that the bill be referred to the Committee on Insurance.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Insurance.

Mr. Sanderson of Pittsfield for the Committee on Rules reported the following entitled bill, House Bill No. 312, An act relative to the acquisition and improvement of land at Odiorne's Point, Little Harbor, Town of Rye, with the recommendation that the bill be referred to the Committee on Coastwise Improvements.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Coastwise Improvements.

The Committee on Rules reported the following entitled bill, House Bill No. 313, An act relating to minimum wage and maximum hour standards, with

the recommendation that the bill be referred to the Committee on Labor.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Labor.

Mr. Boynton of Hillsborough for the Committee on Rules reported the following joint resolution, House Joint Resolution No. 51, Joint resolution making appropriation for the New Hampshire building at the Eastern States Exposition, with the recommendation that the joint resolution be referred to the Committee on Appropriations.

The report was accepted, the joint resolution read a first and second time, laid upon the table to be printed and referred to the Committee on Appropriations.

Mr. Baker of Concord for the Committee on Rules reported the following joint resolution, House Joint Resolution No. 52, Joint resolution in favor of Robert Ramig, with the recommendation that the joint resolution be referred to the Committee on Claims.

The report was accepted, the joint resolution read a first and second time, laid upon the table to be printed and referred to the Committee on Claims.

Mr. Baker of Concord for the Committee on Rules reported the following joint resolution, House Joint Resolution No. 53, Joint resolution relating to flood control in the town of Winchester, with the recommendation that the joint resolution be referred to the Committee on Public Improvements.

The report was accepted, the joint resolution read a first and second time, laid upon the table to be printed and referred to the Committee on Public Improvements.

Mr. Etsler of Claremont for the Committee on Rules reported the following joint resolution, House Joint Resolution No. 54, Joint resolution providing for repair

of a road and bridge in the town of Sutton, damaged by the storms of September, 1938, with the recommendation that the joint resolution be referred to the Committee on Public Improvements.

The report was accepted, the joint resolution read a first and second time, laid upon the table to be printed and referred to the Committee on Public Improvements.

Mr. Boynton of Hillsborough for the Committee on Rules reported the following joint resolution, House Joint Resolution No. 55, Joint resolution for the construction of an outlet for Little River and the drainage of Little River Marsh in the towns of North Hampton and Hampton, with the recommendation that the joint resolution be referred to the Committee on Coastwise Improvements.

The report was accepted, the joint resolution read a first and second time, laid upon the table to be printed and referred to the Committee on Coastwise Improvements.

Mr. Whittaker of Mason for the Committee on Banks, to whom was referred House Bill No. 148, An act relating to building and loan associations, reported the same with the following amendments, and the recommendation that the bill as amended ought to pass.

Amend section 5 by adding after the word "line" in line two the words, and by striking out the word "interest" where it occurs in lines five and seven and inserting in place thereof the word, dividends, so that said section as amended shall read as follows:

5. Amend section 21 by inserting the word, share, after the words "paid up" in the fourth line and by striking out the word "interest" where it occurs in lines five and seven and inserting in place thereof the word, dividends, so that said section as amended shall read as follows:

21. *Issue.* Whenever shares shall mature or become of the value of two hundred dollars each, or when the withdrawal of shares is enforced, the holder thereof may, if he chooses, and at the option of the board of directors, receive paid up share certificates in denominations of two hundred dollars, or multiples thereof, bearing dividends at a rate not to exceed five per cent per annum, payable semi-annually, for such sum as may be left in said association, which dividends shall not be allowed to accumulate beyond the time of payment, but shall be paid semi-annually to the holder of such certificates.

Amend section 11 by inserting after the word "state" in lines five and seven the words, or in the shares of any federal savings and loan association, located and doing business in this state, so that said section as amended shall read as follows:

11. Amend paragraph II, section 22 of chapter 290 of the Public Laws as amended by chapter 71 of the Laws of 1931 by adding at the end thereof the words, or in shares of any building and loan association or co-operative bank, incorporated and doing business under the laws of this state, or in the shares of any federal savings and loan association, located and doing business in this state, so that said paragraph as amended shall read as follows:

II. By deposit in some incorporated savings bank in this state, or in the savings department of a national bank or trust company located in this state, or in shares of any building and loan association or co-operative bank, incorporated and doing business under the laws of this state, or in the shares of any federal savings and loan association, located and doing business in this state.

Amend section 12 by inserting after the word "state" in lines five and twelve the words, or in the



shares of any federal savings and loan association, located and doing business in this state, so that said section as amended shall read as follows:

12. Amend section 22, chapter 42 of the Public Laws, as amended by chapter 100 of the Laws of 1929 and chapter 46 of the Laws of 1933 by inserting in the fifth line after the word "state" the words, or in shares of any Building and Loan Association or Co-operative Bank, incorporated and doing business under the laws of this state, or in the shares of any federal savings and loan association, located and doing business in this state, so that said section as amended shall read as follows:

22. *Custody; Investments.* The trustees shall have the custody of all trust funds held by their town. The funds shall be invested only by deposit in some savings bank or in the savings department of a national bank or trust company in this state, or in shares of any Building and Loan Association or Co-operative bank, incorporated and doing business under the laws of this state, or in the shares of any federal savings and loan association, located and doing business in this state, or in bonds, notes or other obligations of the United State government, or in state, county, town, city, school district, water and sewer district bonds and the notes of towns or cities in this state; and when so invested the trustees shall not be liable for the loss thereof. The trustees may retain investments as received from donors, until the maturity thereof.

Amend by inserting after section 13 the following new sections:

14. Amend section 6-a of said chapter 266 of the Public Laws, as inserted by chapter 125, Laws of 1933, by striking out the words "interest and" in line four, so that said section as amended shall read as follows:



6-a. *Joint Accounts.* When an account in any building and loan association has been opened in the names of two persons payable to either or payable to the survivor, such account, together with dividends thereon may be withdrawn by either of said persons whether the other be living or not, and the payment by said bank to either of said persons of the whole or any part of said account upon the demand or request of either of said persons shall discharge the bank for any payment so made; provided that if one of the parties has deceased and the bank has knowledge of the fact, payment shall not be made to the survivor until the state treasurer has certified that no taxes are due the state under the provisions of chapter 72 on account of the interest of the deceased in said account, or that all taxes have been paid.

15. Amend section 14-b, chapter 266 of the Public Laws, as inserted by section 3, chapter 26 of the Laws of 1933 and amended by section 2, chapter 106, Laws of 1937 by striking out the word "interest" in the ninth line and inserting in place thereof the word, dividend, so that said section as amended shall read as follows:

14-b. *Guaranty Fund.* Every building and loan association shall, at each distribution of profits reserve as a guaranty fund not less than five per cent of its net profits accrued since the last preceding distribution, until such fund amounts to not less than five nor more than ten per cent of its total liabilities. Said guaranty fund, by vote of the board of directors, may be used to pay losses. Subject to the approval of the bank commissioner it may also be used to maintain the distribution of profits at the same rate of dividend and for any other purpose. The board of directors may at any time, by vote duly recorded, transfer to the guaranty fund the whole or any part of any surplus or reserve

under whatever name, and may increase such funds to a sum equal to ten per cent of the total liabilities.

16. Amend section 18 of chapter 266 of the Public Laws by striking out the word "interest" in line three and inserting in place thereof the word, dividends, so that said section as amended shall read as follows:

18. ———, *Amount*. If the withdrawal takes place within a year after the shareholder became a member of the corporation he shall be entitled to receive the amount of the dues paid by him, without dividends or profits, less all fines and other charges against him and his proportionate part of any unadjusted loss; if it does not take place until after the expiration of such year he shall be entitled to receive the value of his shares, as determined by the directors, less his fines, charges and proportionate share of unadjusted losses, and less such proportion of the profits previously credited to the shares as the by-laws provide.

17. Amend section 20, chapter 266 of the Public Laws by striking out the words, "interest and" in line three, so that said section as amended shall read as follows:

20. *Death of Shareholder*. Upon the death of a shareholder, his legal representatives shall be entitled to receive the full amount paid in by him, together with an equitable proportion of the profits pertaining to his shares, less all fines and charges against him at the time of his decease and a proportionate share of any unadjusted losses then existing.

Amend by renumbering section 14, section 18.

The report was accepted.

Mr. Atherton of Nashua moved that the rules be suspended, and the reading of the amendments be dispensed with.

The question being on the motion of Mr. Atherton.

(Discussion ensued)

On a *viva voce* vote the rules were suspended, the amendments adopted, and the bill ordered to a third reading.

### Message from the Senate

A message from the Honorable Senate by its Clerk announced that the Senate had voted to concur with the House of Representatives in its amendment to the following entitled bill:

Senate Bill No. 2, An act providing for emergency use of motor vehicle trucks for timber salvaging.

The message further announced that the Senate had passed bills with the following titles, in the passage of which it asked the concurrence of the House of Representatives:

Senate Bill No. 6, An act regulating motor vehicle junk yards.

Senate Bill No. 13, An act ratifying certain action of the Rockingham County delegation.

### Senate Bills Read and Referred

Senate Bill No. 6, An act regulating motor vehicle junk yards.

Read a first and second time and referred to the Committee on Judiciary.

Senate Bill No. 13, An act ratifying certain action of the Rockingham County delegation.

Read a first and second time and referred to the Committee on Revision of the Statutes.

On motion of Mr. Havican of Brentwood, the rules were suspended, whereby Senate Bill No. 13, An act ratifying certain action of the Rockingham County delegation, was referred to the Revision of the

Statutes be vacated, reference to a committee dispensed with and the bill put upon its third reading and final passage at the present time.

Read a third time and passed and sent to the Secretary of State.

### Order Vacated

On motion of Mr. Sanderson of Pittsfield, the rules were suspended, whereby House Bill No. 298, An act relating to licenses to operate motor vehicles, was referred to the Committee on Transportation, be vacated and the bill be referred to the Committee on Revision of the Statutes.

### Resolutions

On motion of Mr. Gage of Manchester.

*Resolved*, That the Committee on National Affairs be granted use of Representatives Hall at 1:30 o'clock today, for its continued hearing on the Welfare Act.

Mr. Bowker of Littleton offered the following resolution:

*Whereas* we have learned of the illness of our fellow-member, Mrs. Ada A. Soper of Littleton.

*Therefore, Be It Resolved*, That we express our sympathy and our best wishes for a speedy recovery, and that the Clerk of the House be instructed to send flowers to her.

The resolution was unanimously adopted by a rising vote.

On motion of Mr. Simpson of Bartlett, the Clerk was instructed to procure 500 extra copies of House Bill No. 313, An act relating to minimum wage and maximum hour standards.

### Message from the Senate

A message from the Honorable Senate by its Clerk, announced that the Senate had voted to adopt amend-

ments offered by the Committee on Engrossed Bills, to the following bill, in the adoption of which amendments the Senate asks the concurrence of the House of Representatives:

Senate Bill No. 2, An act providing for emergency use of motor vehicle trucks for timber salvaging.

Amend section 4 of said bill by striking out the same and inserting in place thereof the following:

4. *Agricultural Trucks.* Any motor truck properly registered or to be registered to be used for agricultural purposes only, in accordance with the provisions of paragraph III of section 1 of chapter 102, of the Public Laws, as amended by chapter 45 of the Laws of 1935, may be used for hauling logs or logging equipment of the owner thereof on any public highway during the period from the date of the passage of this act and July 1, 1939, without the payment of any additional registration fee other than that required by said paragraph III as amended by said chapter 45.

Amend section 5 of said bill by striking out the same and inserting in place thereof the following:

5. *Laws Suspended.* Until July 1, 1939, the provisions of chapters 100 and 102 of the Public Laws relative to the registration of trucks by residents and non-residents inconsistent with the provisions hereof are hereby suspended and made inoperative in so far as they relate to the registration of motor trucks engaged in hauling logs or logging equipment.

Amend section 5-a of said bill by striking out said section, renumbering and inserting in place thereof the following:

6. *Credit on Fees Paid.* All moneys paid to the motor vehicle commissioner for special registration certificates under the provisions hereof shall be credited to the owner of any motor truck specially

registered hereunder who shall, during the fiscal year 1939-1940, desire to register such motor truck for general use in accordance with the provisions of chapter 102 of the Public Laws, as amended; and the fee payable in such case under said chapter 102 shall be reduced by the amount already paid for a special registration certificate under this act. This section shall not be construed to relieve any person from the payment of any fees otherwise required.

Further amend said bill by renumbering section 6 to read section 7.

On motion of Mr. Barnard of Manchester the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

Mr. Fernald of Dover moved that business in order at 3 o'clock this afternoon be made in order at the present time.

The question being on the motion of Mr. Fernald.

(Discussion ensued)

Messrs Etsler of Claremont and Sanderson spoke against the motion.

On a *viva voce* vote the motion prevailed.

### Third Readings

On motion of Mr. Fernald of Dover the rules were suspended and the third reading of bills by their titles were made in order.

House Bill No. 47, An act relating to smelt fishing.

House Bill No. 91, An act closing Wash pond in Hampstead to ice fishing.

House Bill No. 148, An act relating to building and loan association.



Severally read a third time and passed and sent to the Senate for concurrence.

### Qualified

The following named representative having qualified before His Excellency, the Governor, appeared and took his seat as a member of the House. George W. Hastings of Grantham.

On motion of Mr. Brown of Dover at 12:09 o'clock the House adjourned.

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WEDNESDAY, FEBRUARY 8, 1939.

The House met at 11:00 o'clock.

Prayer was offered by the Chaplain.

### Committee Report

Mr. Sawyer of Woodstock for the Committee on Engrossed Bills, reported that the committee had examined and found correctly engrossed the following entitled bill:

Senate Bill No. 2, An act providing for emergency use of motor vehicle trucks for timber salvaging.

The report was accepted.

### Leaves of Absence

Mr. Pray of Rochester was granted leave of absence for the day on account of illness.

Mr. Craig of Haverhill was granted leave of absence for Thursday on account of town business.

Mr. Coolidge of Bristol was granted leave of absence for the week on account of illness.

Mr. Knowlton of Keene was granted leave of absence for the week on account of illness in the family.

Mr. Tarlson of Laconia was granted leave of absence for two weeks on account of important business.

Mr. Yeaton of Epsom was granted leave of absence for the day on account of important business.

### Committee Reports

Mr. Sanderson of Pittsfield for the Committee on Appropriations, to whom was referred House Joint Resolution No. 23, Joint resolution for the repair and maintenance of the John F. Stark House in the city of Manchester, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted.

The question being on the resolution reported by the committee.

Mr. Chase of Manchester moved that the bill and accompanying report be recommitted to the committee.

On a *viva voce* vote the bill and accompanying report was recommitted to the Committee on Appropriations.

Mr. Sanderson of Pittsfield for the Committee on Appropriations, to whom was referred House Joint Resolution No. 33, Joint resolution releasing the town of Orford from payment of highway bonds, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Sanderson of Pittsfield for the Committee on Appropriations, to whom was referred House Bill No. 207, An act providing for salary increases for certain state officials, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Hutchins of Claremont for the Committee on Public Health, to whom was referred House Bill No. 105, An act relating to vital statistics, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. St. Francois of Nashua for the Committee on Education, to whom was referred House Bill No. 56, An act transferring the administration of aid to the deaf from the board of public welfare to the board of education, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mrs. Hayes of Barrington for the Committee on Public Improvements, to whom was referred House Bill No. 160, An act to change the name of Crystal lake to Canaan street lake, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Sanderson of Pittsfield for the Committee on Appropriations, to whom was referred House Bill No. 108, An act relative to permanent improvements and additional facilities at the tramway, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend by striking out in line 14 the words, "A sum equal to twenty per cent" and inserting in place thereof the words, a sum not to exceed ten thousand dollars (\$10,000) for each of the fiscal years ending June 30, 1939, 1940, 1941, and 1942, so that said section as amended shall read as follows:

1. *Tramway on Cannon Mountain.* Amend section 10 of chapter 130 of the Laws of 1937 by striking out said section and inserting in place thereof the following: 10. *Revenue.* There shall be collected for carriage upon the tramway provided for herein and for other services made available therewith such fares, tolls and charges as the commission shall deem reasonable. Such sums as are so collected shall be deposited with the state treasurer who shall keep the same in a separate account. Operating expenses, depreciation and upkeep of said tramway and services shall be paid from said account and from the balance of said account after the deductions hereby authorized the governor, with the approval of the council, shall pay the interest and principal of the bonds or notes issued hereunder as the same become due, and payable. From the balance of said special account after the payment of expenses, depreciation, upkeep and services, and the annual interest and bond or note charges, a sum not to exceed ten thousand dollars (\$10,000) for each of the fiscal years ending June 30, 1939, 1940, 1941 and 1942 of said net income may be retained in said account and paid out by the commission, with the approval of the governor and council, for permanent improvements and additional facilities at the tramway. During the construction of the tramway the governor may, if necessary, draw his warrant upon the general fund to pay the interest due upon any bonds or notes that have been issued in accordance with the provisions hereof, but reimbursement for such payments shall be made to the general fund from revenue in the special fund herein created. When the principal and interest of all notes and bonds authorized hereunder have been paid or sufficient money has accumulated in said special fund to pay the same the balance of the special fund herein pro-

vided, after the payment of charges as herein authorized, shall be paid at such times as the governor and council shall direct into the general funds of the state.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mr. Hutchins of Claremont for the Committee on Public Health, to whom was referred House Bill No. 232, An act providing for the incorporation of hospital service companies, reported the same, in new draft, with the following resolution:

*Resolved*, That the bill in its new draft be printed, and recommitted to the Committee on Public Health.

The report was accepted, the bill in its new draft read a first and second time and laid upon the table to be printed and recommitted to the Committee on Public Health.

### Resolution

On motion of Mr. Elkins of Concord,

*Resolved*, That the New Hampshire House of Representatives grant the use of Representatives' Hall, to the American Red Cross for Monday, February 27, at 1 p. m. This is for a state-wide conference of all Red Cross Chapters to consider disaster preparedness in relation to the fire hazard in New Hampshire.

### Communication

The following letter was read by the Clerk:

*To the Honorable Senate and House of Representatives:*

In accordance with a joint resolution of the 1937 Legislature directing this Commission to make a study of building requirements at the State Hospital and to make recommendations to the 1939 Legislature, we respectfully submit the following report:

Based upon a year of study, the report presents the broad aspects of the State Hospital's present and anticipated building needs. Staff and funds have not been available to make a detailed analysis of each existing building, but a sufficient number of the older structures have been so analyzed, and all the others have been adequately surveyed, to permit the preparation of a statement of needs which this Commission believes to constitute a sound basis for Legislative action.

The plan of development outlined in the report schedules the construction of the various buildings as they are or will be actually required by the increasing hospital population. The determination of the speed at which the program can be carried out, however, will depend largely upon the state's ability to finance the necessary buildings and can, therefore, be decided only by the Legislature.

It should be kept in mind, however, that a decision to postpone appropriations for construction would not defer the actual need for the construction. For that reason, this Commission recommends that the long-term plan outlined on pages 18 to 21 of the report be adopted in principle by the Legislature and that appropriations be made to permit carrying out the plan as nearly as possible according to the schedule.

Respectfully submitted,

STATE PLANNING AND DEVELOPMENT COMMISSION

JAMES M. LANGLEY,

*Chairman,*

ALLEN HOLLIS,

EDMUND F. JEWELL,

GUY L. SHOREY.

On motion of Mrs. Smith of Hebron at 11:40 o'clock the House adjourned.



**Afternoon**

The House met at 3 o'clock.

**Third Readings**

On motion of Mr. Loughlin of Dover, the rules were suspended and the third readings of bills by their titles made in order.

House Bill No. 56, An act transferring the administration of aid to the deaf from the board of public welfare to the board of education.

House Bill No. 108, An act relative to permanent improvements and additional facilities at the tramway.

House Bill No. 160, An act to change the name of Crystal lake to Canaan street lake.

Severally read a third time and passed and sent to the Senate for concurrence.

On motion of Mr. Loughlin of Dover at 3:05 o'clock the House adjourned.

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**THURSDAY, FEBRUARY 9, 1939.**

The House met at 11:00 o'clock.

Prayer was offered by the Chaplain.

**Joint Convention**

Pursuant to the resolution adopted by both branches of the Legislature January 11, 1939, the Convention was addressed by Mr. Lichman of Keene as follows:

As the original sponsor of the resolution calling for this convention, I have a very brief message to deliver.

I would like to say that as the birthday of Abraham Lincoln approaches, it is my purpose to recall some of

the prophetic and pertinent utterances of this great American statesman.

In this day of turmoil, when fundamental human rights are being trampled under by ruthless despots, when the ideals and principles of the founders of this government are being undermined by vicious propaganda from within and without, would it not be well to again renew our faith in Abraham Lincoln and in the principles for which he stood?

We might do well to remember his speech on the Declaration of Independence on June 2, 1858: "so they establish those great self-evident truths that when, in some distant future, some man, some fashion, some interest should set up the doctrine that none but rich men, or none but white men, or none but Anglo-Saxon white men were entitled to life, liberty, and the pursuit of happiness, then posterity might again look up to the Declaration of Independence and take courage to renew the battle which their fathers began, so that truth and justice and mercy and all the human and Christian virtues might not be extinguished from the land."

The distant future of which Abraham Lincoln spoke in 1858 has arrived. As to how true his prophecies have come you can judge for yourselves. Today as we find ourselves beset on all sides by vicious un-American propaganda, let us again look up to the Declaration of Independence and take courage to renew the battle which our fathers began.

Let us demonstrate to the world that a government based on truth, justice, and mercy can exist!

Let us demonstrate to the world, that a nation conceived in liberty and dedicated to the proposition that all men are created equal can endure.

Let us demonstrate to the world that human and Christian virtues are an essential part of government!

And in closing, may I express the fervent hope and wish that the memory of Abraham Lincoln be forever enshrined in the hearts of us all, so that we may forever be inspired to preserve, protect, and defend that government of the people, by the people, and for the people.

The Speaker then introduced Mr. Francis H. Buffum of Dunbarton who delivered the following address:

*Members of the Honorable Senate and no less honorable House of Representatives and friends:*

I see by the papers that Ken Murray suggests that our congested calendar of holidays of February be somewhat relieved by putting the celebration of Washington's birthday along somewhere in July, when cherries are ripe and that St. Valentine's day be put any place on the calendar to suit Jim Farley when he wishes to make a new issue of postage stamps. Under Ken's reason for doing this would be that the birthday of King George, which fell on December 14, is to be celebrated in Ottawa on May 30, and that if our British cousins can take such liberties with the calendar there is no reason why we cannot. This seems to make somewhat of a liar out of the stork, but offers at the same time certain practical advantages.

It is a matter of note that all men have a tendency to use their spare time, whether on holidays or not, according to their intelligence and their tastes; so that every holiday in our calendar comes to reflect those tastes more strongly than do our original purpose.

As far as Lincoln's birthday is concerned, New Hampshire can celebrate that here this morning in less than fifteen minutes. On Memorial Day throughout our state it is unforgetably celebrated every year by a recital of that deathless Gettysburg address,

which takes in the recital only two minutes. Alexander Woolcott has well said of this gem, that it will live as long as this nation endures.

It is not necessary that we should linger here over the biographical details of Lincoln's life. We all know them—the names, the dates, the great events. Every American school boy and school girl knows them. Lincoln himself called them the short and simple annals of the poor. If Lincoln were here with us this morning, I am sure he would be interested in those quaint and curious stories and incidents about his life that indicated his quality and nature as straws indicate the direction of the wind.

Although almost all of the stories about Lincoln have been told and retold until now there is hardly anything new to recount, I know of one at least which probably has never seen printer's ink. I have it from an eye witness from whose veins I draw my own blood.

This incident occurred during the early days of the Civil War. The scene is set at Washington in front of the White House. A New Hampshire volunteer of the Union Army was pacing his beat in front of the presidential mansion. Although early morning, the President is seen by the sentry coming from the White House portals and evidently heading for the War Department, probably in anticipation of further news of the Union disaster upon the battlefield. This Union soldier, in recounting the incident, said that he had never seen so sad a face, for Lincoln's visage seemed to express the tragic conflict which was convulsing the nation. As Lincoln approached the sidewalk a little colored pickaninny walking on the curb fell into the muddy water of the ditch. Lincoln picked him up and after wiping the little negro's face with his own handkerchief, went on down the street, not towards the War Department for news from

another battlefield, but leading the youngster in search of his parents.

Against that picture let me throw on the screen a contrasting one drawn from the current press. Seventy-five years after Lincoln had done this golden deed for a member of that race which he was later to emancipate, Adolf Hitler, it is announced, sends a sharp, bright dagger to every new-born son of his favorite storm troopers in the Southeast of Germany. I should like to leave this picture here with all its implications and I must go on.

We Americans have been accused of hero-worship and deification of Abraham Lincoln. Certainly not less are those Germans who goose-step at Nazi orders to be censured for their deification of Adolf Hitler. If we are put to it by comparison, we need not hesitate to plead guilty to the high reverence which we hold for our martyred President. Nor need we blush to compare him with him, under whose iron heel Germany moves toward a destiny which threatens the peace of the world.

It has been said by Lincoln's harsher critics that he was provincial, that he muddled through a period of pioneer history without those enduring qualities whose need and leadership might serve us in the American public life of today. It should be needless for any American who has ever matched this man against the great men of former times to accept such a valuation. It is doubtful if the world has ever produced and brought to eminence a man whose qualities are so nearly universal and the value of whose services to a nation and to the world are so nearly deathless. He combined the tenderness of the best that is in woman with the sturdiest strength of the American pioneer. With the sensitiveness of a poet, he mingled the iron of an irrefutable logic and



mathematical accuracy. His physical qualities were such that Jack Dempsey might well have applauded the way he cleared his flat boat one night on the Mississippi of a party of foraging negro thieves. Strangler Lewis would have viewed his efforts with favor as he threw Jack Armstrong, and every American woodsman who had ever used an axe and laborers everywhere reckoned him one of their fraternity. He not only towered aloft to unusual physical height, but in his intellect and spiritual attainments, he was a giant. Æsop would have delighted in his stories; Socrates in the force of his logic, Shakespeare in the simple beauty of his English; and all men who use the English tongue to convey the noblest sympathies of a human heart would have acknowledged him their master. Let no one who has viewed Lincoln in the nobler aspects of his idealism be deceived as to the practical nature of his genius. Jim Farley like Stephen A. Douglas would have found him a hard man to be up against. Although he was the peerless statesman, he was at the same time the consummate politician.

In all his nobility, he was as sagacious as a fox.

This is the man that America in her pride pits against Hitler and the world, and if she had produced none other would have justified her existence as a nation. He was at once the personification and the greatest leader of everything which we know by the name American.

But enough! Let not the Granite State forget the part that an inscrutable Providence played in bringing Lincoln to his greatest. Kentucky claims his birth, but New Hampshire claims that golden chain of circumstances leading from the prairies of Illinois through the acquaintance of Amos Tuck of Exeter on to Concord and Manchester and Dover, by which New



Hampshire became aware of him and his stature and becoming aware of him went to the great convention at Chicago and led New England and the Union to a majority of votes for him. Let Exeter remember that she is no mean town and that one, and perhaps the strongest link in that golden chain, lies in Phillips-Exeter Academy, where the presence there as a student of Robert Todd Lincoln drew his father east and sent him from there to the White House.

Let Concord remember that the feet of this man once trod her streets; that he roomed in No. 8 Phoenix Hotel when he stopped here on the night of February 29, 1860. And it was here that the voice of New Hampshire first whispered in his ear her prophecy of his coming election. It was Calvin C. Webster who, after the great address in Phoenix Hall, told Lincoln as he was about to entrain for Manchester, that he would be the next President. And it was at Manchester that same night that Frederick Smythe, rising in Smythe Hall to introduce him, introduced him as the next President of the Union. Lincoln's visit here had long been prepared in New Hampshire's historic past. Stark and Sullivan on the battlefield, John Langdon and Nicholas Gilman in the great Constitutional Convention at Philadelphia, Judge Samuel Livermore in his magnificent leading of the forces for ratification at Exeter and Concord, Webster and his peerless defense of the Constitution on the floor of the U. S. Senate,—all paved the way setting the path that he was to tread upon on our own soil. And when Lincoln's body was taken to Springfield, Illinois, for burial, it was a son of New Hampshire,—it was Nehemiah G. Ordway, then Sergeant-at-arms of the national House of Representatives, who had charge of the funeral train.

And now his spirit beckons to us from out that kingdom where there is neither Jew nor Gentile, Greek nor

Barbarian, bond nor free, but only that Great ultimate democracy of the universe. And from that country, from whose borders no traveler returns, he bids us of New Hampshire remember, and remembering to still hold our proud place of leadership in the band of progress in that work which he, in life and in death, had so far and so nobly advanced.

On motion of Senator Smart of District No. 4, the Convention rose.

### **Leaves of Absence**

Messrs. Underhill of Nashua, Graham of Antrim, Shedd of New Boston, Knox of Sandwich, Thibodeau of Manchester, Rivers of Laconia were granted leaves of absence for the day on account of important business.

Mr. Hamilton of Lisbon was granted leave of absence for the day on account of attending a funeral.

Mr. Batchelder of Hanover was granted leave of absence for the day on account of illness in family.

### **Presentation**

Mr. Duncan of Jaffrey on behalf of the members of Cheshire County and other friends presented Mr. Bullock of Richmond with a present in honor of his eighty-second birthday.

### **Committee Reports**

Mr. Sawyer of Woodstock for the Committee on Engrossed Bills, reported that the committee had examined and found correctly engrossed the following entitled bill:

Senate Bill No. 13, An act ratifying certain action of the Rockingham county delegation.

The report was accepted.

(Mr. Elkins of Concord in Chair)

Mrs. Charois of Greenfield, for the Committee on Banks, to whom was referred House Bill No. 181, An act relative to savings banks, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Batchelder of Northfield, for the Committee on Claims, to whom was referred House Joint Resolution No. 14, Joint resolution in favor of Emery B. Bachelder, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Marshall of Northumberland, for the Committee on Agriculture, to whom was referred House Bill No. 295, An act for the purpose of rehabilitating orchards destroyed by hurricane, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Hepworth of Derry, for the Committee on Public Improvements, to whom was referred House Bill No. 51, An act relating to maintenance of highways, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Walbridge of Enfield, for the Committee on Public Improvements, to whom was referred House Bill No. 209, An act relative to the maintenance of highways and bridges on the secondary highway system, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. St. Francois of Nashua, for the Committee on Education, to whom was referred House Bill No. 146, An act relating to the registration of nurses, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 by striking out in the eighth line the words "said commissioner" and inserting in place thereof the words, the Board of Nurse Examiners, so that said section as amended shall read as follows:

1. Amend Chapter 211 of the Public Laws by inserting after section 4 the following new section 4-a:  
4-a. *Annual Permit.* Every person who has at any time received a certificate of qualification to practice as a registered nurse, whether in this or any other state, shall, annually before June 1, file his name and address with said commissioner, and before engaging in the practice of nursing in this state, shall also pay to the Board of Nurse Examiners a fee of fifty cents, whereupon, if he has complied with all the requirements of this chapter, he will be granted a permit which shall entitle him to engage in such practice for the period ending on June 1 following.

The report was accepted, the amendment adopted and the bill ordered to a third reading.

Mr. Normandin, of Laconia, for the Committee on Judiciary, to whom was referred House Bill No. 168, An act legalizing the action of the Bethlehem Village District annual meeting, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

(Speaker in Chair)

Mr. Normandin of Laconia, for the Committee on Judiciary, to whom was referred House Bill No. 166, An act to authorize the town of Henniker to purchase water power property in said town, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Normandin of Laconia, for the Committee on Judiciary, to whom was referred House Bill No. 137, An act relating to bonds, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Normandin of Laconia, for the Committee on Judiciary, to whom was referred House Bill No. 136, An act relating to report of sale, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mrs. Charois of Greenfield, for the Committee on Banks, to whom was referred House Bill No. 62, An act relating to trust companies and other financial institutions, reported the same with the following amendments, and the recommendation that the bill as amended ought to pass.

Amend section 1 by striking out in the fourth and fifth lines and in the seventeenth and eighteenth lines the words "except that these limitations shall not apply to mortgage loans insured by the Federal Housing Administrator" and inserting in place thereof the words, except that the limitation as to the percentage of the value of the security shall not apply to mortgage loans insured by the Federal Housing Administrator, and further provided that such loans entitle the holder to receive cash or securities which are fully guaranteed as to principal and interest by the United



States; so that said section as amended shall read as follows:

1. *Powers.* Amend section 31, chapter 265 of the Public Laws by striking out all after the word "security" in the twelfth line and inserting in place thereof the words, except that the limitation as to the percentage of the value of the security shall not apply to mortgage loans insured by the Federal Housing Administrator, and further provided that such loans entitle the holder to receive cash or securities which are fully guaranteed as to the principal and interest by the United States; to negotiate, purchase and sell stocks, bonds and other evidences of debt; to do a general banking business; and to conduct a savings bank business, so that said section as amended shall read as follows. 31. *In General.* Such corporation may be authorized and empowered to receive on deposit, storage or otherwise money, securities, jewelry, documents, evidences of debt and other personal property of a similar character, for safe keeping upon such terms or conditions as may be agreed upon, which said deposits may be made by corporations and persons acting individually or in fiduciary capacity; to collect and disburse the income and principal of said property when due; to advance or loan money or credits on personal security or property; to advance or loan not exceeding twenty-five per cent of its capital and surplus on notes secured by first mortgage of real estate situated in the New England States, but no such loan shall exceed seventy per cent of the value of the security except that the limitations as to the percentage of the value of the security shall not apply to mortgage loans insured by the Federal Housing Administrator, and further provided that such loans entitle the holder to receive cash or securities which are



fully guaranteed as to principal and interest by the United States; to negotiate, purchase and sell stocks, bonds and other evidences of debt; to do a general banking business; and to conduct a savings bank business.

Further amend by striking out the whole of section 2.

Further amend by renumbering section 3 section 2.

The report was accepted, the amendments adopted, and the bill ordered to a third reading.

Mr. Batchelder of Northfield, for the Committee on Claims, to whom was referred House Joint Resolution No. 13, Joint resolution in favor of James F. Donahue and George C. Hamlin, reported the same with the following amendment, and the recommendation that the joint resolution as amended ought to pass.

Amend the joint resolution by striking out in the first line the word "twenty-three" and inserting in place thereof the word, ten, so that said joint resolution as amended shall read as follows:

That the sum of ten thousand dollars be and hereby is allowed and appropriated to compensate James F. Donahue and George C. Hamlin both of Bartlett in the county of Carroll, doing business as Donahue & Hamlin for developing the Willey House in Crawford Notch and turning over to the state thirty-four buildings consisting of restaurant, store, laundry and cabins, a water system delivering water to all buildings, an electric light plant for the manufacture and transmission of electricity to the thirty-four buildings, clearing of land of rocks, trees and stumps to make possible the erection of thirty-four buildings, road construction on the mountain side. The governor is hereby authorized to draw his warrant for said sum

out of any money in the treasury not otherwise appropriated.

The report was accepted, the amendment adopted and the joint resolution referred to the Committee on Appropriations, under the rules.

Mr. Havican of Brentwood, for the Committee on Elections, to whom was referred Petition by Archibald Ferguson of Lincoln, for Seat in the House of Representatives, having considered the same, reported the same with the recommendation that the petition be denied.

The report was accepted and the recommendation of the committee adopted.

### Resolutions

On motion of Mr. Callahan of Keene,

*Resolved*, That when the House adjourns this morning it adjourns to meet Friday morning at 9 o'clock and that when it then adjourns it adjourn to meet Monday evening at 6 o'clock.

On motion of Mr. Woodbury of Ward 2, Manchester,

*Resolved*, That the address given by Mr. Francis H. Buffum be printed in full in the Journal.

On motion of Mr. Atherton of Nashua,

*Resolved*, That the Committee on Banks be permitted the use of Representatives Hall for a public hearing on House Bill No. 251, An act to authorize branch banking, on Thursday 16, at 1:30 P. M.

On motion of Mr. Sanderson of Pittsfield,

*Resolved*, That the Grand Army of the Republic be given permission to use Representatives' Hall on Thursday evening, April 13, at 8:00 o'clock, for the purpose of holding its Annual Camp Fire.

### Message From the Senate

A message from the Honorable Senate by its clerk announcing that the Senate had voted to concur with

with the House of Representatives in the passage of the following entitled bills and joint resolution, sent up from the House of Representatives:

House Bill No. 16, An act closing Robinson pond in the town of Hudson to all fishing.

House Bill No. 61, An act relating to emergency public works.

House Bill No. 90, An act amending the charter of the New Hampshire Congregational Christian Conference.

House Bill No. 110, An act relating to Lake Wentworth in Wolfeboro.

House Bill No. 111, An act relating to pickerel fishing in Rust pond in Wolfeboro.

House Joint Resolution No. 15, Joint resolution memorializing the Federal Hospitalization Board of the United States Veterans' Administration.

The message also announced that the Senate has passed a bill with the following title, in the passage of which it asked the concurrence of the House of Representatives:

Senate Bill No. 10, An act changing the name of Long pond to Lake Winnetaucook in the town of Croydon.

### **Senate Bill Read and Referred**

Senate Bill No. 10, An act changing the name of Long pond to Lake Winnetaucook in the town of Croydon.

Read a first and second time and referred to the Committee on Judiciary.

On motion of Mr. Fernal of Dover, business in order at three o'clock be made in order at the present time.

### **Third Readings**

On motion of Mr. Fernald of Dover, the rules were suspended and the third readings of bills by their titles were made in order.

House Bill No. 62, An act relating to trust companies and other financial institutions.

House Bill No. 136, An act relating to report of sale.

House Bill No. 137, An act relating to bonds.

House Bill No. 146, An act relating to the registration of nurses.

House Bill No. 166, An act to authorize the town of Henniker to purchase water power property in said town.

House Bill No. 168, An act legalizing the action of the Bethlehem Village District annual meeting.

Severally read a third time and passed and sent to the Senate for concurrence.

On motion of Mrs. Mason of Berlin at 12:11 o'clock the House adjourned.

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FRIDAY, FEBRUARY 10, 1939.

The House met at 9 o'clock.

The following letter was read by the Clerk:

Friday, February 10, 1939.

Mr. George H. Nash,  
Concord, N. H.

DEAR SIR:

I shall be unable to attend the session on Friday morning. Will you kindly preside for me and oblige.

Yours respectfully,

ANSEL N. SANBORN,  
*Speaker.*

On motion of Mr. Baker of Concord at 9:01 o'clock the House adjourned.

MONDAY, FEBRUARY 13, 1939.

The House met at 6:00 o'clock.

The following letter was read by the Clerk:

Monday, February 13, 1939.

Mr. Robert H. Sanderson,  
Pittsfield, N. H.

DEAR SIR:

I shall be unable to attend the session on Monday evening. Will you kindly preside for me and oblige.

Yours respectfully,

ANSEL N. SANBORN,  
*Speaker.*

There being no quorum present at 6:01 o'clock the House adjourned.

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TUESDAY, FEBRUARY 14, 1939.

The House met according to adjournment.

Prayer was offered by Senator Weston of District No. 11.

#### Leaves of Absence

Messrs. Griswold of Nashua and Coolidge of Bristol were granted leave of absence for the day on account of important business.

Mr. Cryan of Lancaster was granted leave of absence for Tuesday and Wednesday on account of important business.

Mr. Guay of Laconia was granted leave of absence for the week on account of important business.

Messrs. Pray of Rochester and Dort of Keene were granted leave of absence for the week on account of illness.

Mr. Woodbury of Nashua was granted leave of absence until further notice on account of illness.

### Petitions Presented and Referred

By Mr. Smith of New Hampton, petitions of citizens of New Hampton protesting against passage of parimutual legislation. Referred to the Committee on Ways and Means.

By Mr. Baker of Concord, petitions of 406 residents of Concord and women employees of the Rumford Press, praying for the defeat of House Bill No. 25, An act prohibiting night work for women and minors. Referred to the Committee on Labor.

### Resolutions

Mr. Malley of Newport offered the following resolution:

#### Resolution on the Death of Pope Pius XI

*Whereas*, Almighty God in His infinite wisdom has seen fit to call to his eternal reward Pope Pius XI,

*And Whereas*, though he died saying that there were still "so many things to do" the commanding influence of Pope Pius XI has only begun to make itself felt.

In the deep disorder of his time he discerned the root of the disorder; in the savage struggles of his time he defined the issue at the heart of the struggle; in the darkness and the confusion he clarified the idea upon which the civilization of the West is founded, by which it will be restored and through which it will be preserved.

This idea is the mold in which Western civilization has been formed. It is that because he is endowed with reason and can, therefore, choose between false-



hood and truth, man is an inviolable soul; that because he is an inviolable soul, man must never be treated as if he were a thing; and he can never finally surrender to arbitrary unreason and to brute force.

Upon this conception of man depend all the institutions of Western civilization; the true liberty of the individual, the very conception of the law, the grounds of justice and unity among rational persons.

The pontificate of Pope Pius XI was one long protest against the denial of this conception of man.

He protested in Russia, in Mexico, in Spain, in Germany and in Italy. What made the protest an influence which will shape the course of history was that it rose out of a clear understanding of that faith which despite all the political and sectarian and dogmatic differences that divide them, is the basic and universal faith of Western men.

Thus he made plain to the discerning what will eventually become clear to almost all—that the essential issue is not between Fascism and Communism, not between authoritarianism and democracy, not between liberty and order, not between license and discipline but between the faith which affirms and the laws which deny that men are inviolable, responsible, rational and free. Because he defined the real issue at the center of the whole immense disorder, Pope Pius XI exercised a spiritual influence beyond that of any Pope in modern times. Though in many parts of the world his church is persecuted, it is the fact and experience will prove it, that under his guidance its foundations have become stronger and more nearly universal than they have been for several centuries.

Not for many generations has the moral energy of his church been so abundant; not for a long age has its intellectual life been so vigorous, so clarifying and so

creative. Pope Pius XI was equal to the historic test which he was called upon to meet.

For he had the inner virtue of great men which is that, when they are put to the test, they know how to draw from that which is most essential in tradition, the understanding and the power to meet the test.

An uninspired and mediocre man might easily have fallen into confusion and weakness. But this Pope was a great man.

And so as the disorder developed, he drew from that which is most fundamental and most universal in the tradition of his church, the capacity to see clearly and the strength to speak resolutely.

For that he is venerated in every land.

Because of that the Prime Minister of Great Britain paid him a visit, not as a matter of perfunctory courtesy but of acknowledgment that he represented that conception of human life which civilized men cannot and will not surrender.

That visit was an event without precedent in modern times, and its symbolic significance was immense.

For in making that visit the Prime Minister acted on behalf of all those who, though they have different creeds, have one faith.

He was expressing their gratitude to the Pontiff who had declared its faith to a world that had almost lost it but is increasingly aware that the world must return to it.

For this Pope Pius XI will be long remembered, since his influence will long be felt.

And so when in the future men come to define the place of Pope Pius XI in history, they will perhaps say that he was in modern times the most catholic, in the sense of the most universal, defender of the faith that make men civilized.

*Therefore Be It Resolved*, That when this day's session of the House of Representatives adjourns that it do so in memory of the late Pope Pius XI whose funeral is being held today.

*Be It Further Resolved*, That this resolution be printed in the Journal of the House.

The question being on the resolution.

Mr. Wadleigh of Milford seconded the resolution and asked for a division.

A division being had the Speaker declared the vote manifestly in the affirmative and the resolution was adopted.

### Committee Reports

Mr. Merrow of Ossipee, for the Committee on Ways and Means, to whom was referred House Bill No. 9, An act relating to Horse Racing and Creating a State Racing Commission, reported the same with the following amendments, and the recommendation that the bill as amended ought to pass.

Amend by striking out in line ten the figures, "1946", and inserting in place thereof the figures, 1944, so that said section as amended shall read as follows:

1. *Pari-mutuel Pools*. Amend Section 14, Chapter 27, of the laws of 1935 by striking out the said section and inserting in place thereof the following:

14. *Pari-mutuel Pools*. Within the enclosure of any race track where is held a race or race meet licensed and conducted under this Act, but not elsewhere, the sale of pari-mutuel pools by the licensee under such regulations as may be prescribed by said commission is hereby permitted and authorized during the calendar years 1939 to 1944, inclusive. Commissions on such pools shall in no event and at no track exceed ten percent (10%) of each dollar wagered,

plus the odd cents of all redistribution to be based on each dollar wagered exceeding a sum equal to the next lowest multiple of ten, known as "breakage", one-half of which "breakage" shall be retained by the licensee and the balance shall be paid to the State Treasurer for the use of the State as provided by other sections of this Act. Said maximum shall include the three and one-half percent ( $3\frac{1}{2}\%$ ) tax hereinafter prescribed.

Further amend by adding thereto a new section which shall be Section 2 and shall be as follows:

2. *Takes Effect.* This act shall take effect upon its passage.

The report was accepted and the amendments adopted.

The undersigned, a minority of the Committee on Ways and Means, to whom was referred House Bill No. 9, An act relating to Horse Racing and Creating a State Racing Commission, and being unable to agree with the majority, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

GEORGE H. DUNCAN

EDWARD W. CARTER

E. E. CRAIG

GEORGE C. WARNER

*A Minority of the Committee.*

The report was accepted.

Mr. Duncan of Jaffrey moved that the report of the minority "inexpedient to legislate" be substituted for the report of the majority "ought to pass".

The question being on the motion to substitute.

(Discussion ensued)

Messrs. Duncan of Jaffrey, Baker of Concord, Sherry of Dover, Russell of Conway, Emerson of Milford and Hunter of Hanover spoke in favor of the motion.

Messrs. Pierce of Bennington, Merrow of Ossipee, Sanderson of Pittsfield, Booth of Manchester, Barnard of Manchester, and Tilton of Ward 4 Laconia spoke against the motion.

Mr. Tilton of Ward 4, Laconia, moved the previous question.

The question being, Shall the main question now be put?

On a *viva voce* vote the previous question was ordered.

The question being on the motion to substitute.

Mr. Duncan asked for a division.

Mr. O'Brien of Manchester demanded a roll call and the roll was called with the following result:

### Yeas, 138

ROCKINGHAM COUNTY: Havican, Goodrich, Hepworth, Avery of East Kingston, Bourn, Pennell, Tozier, Miller of Greenland, Emerson of Hampstead, Adams of Hampton, Creighton, Keay, Nesmith, Smith of Newfields, Prescott, Quimby, Currier.

STRAFFORD COUNTY: Hayes of Dover, Sherry, Hale.

BELKNAP COUNTY: Adams of Belmont, Price, Tilton, Ward 3, Laconia, Rivers, Greene, Simpson of Laconia, Goodwin of Tilton.

CARROLL COUNTY: Simpson of Bartlett, Downs, Mudgett, Russell of Conway, Nickerson, Banfield, Knox, Young of Tuftonboro.

MERRIMACK COUNTY: MacPhee, Nichols, Woodbury of Bow, Morrill, Sanborn of Chichester, Coakley, Dunlap, Kemp, Baker, Elkins, Hancock, Nash, Osborne of Concord, Sturtevant, Tilton of Concord,

Benten, Freeman, George, Maxham, Hoyt of Concord, Collins of Danbury, Milburn, Yeaton of Epsom, Maxfield, Carignan, Dempsey, Shaw, Burnham, Nelson of Hopkinton, Swift, Batchelder of Northfield, Anderson, Cloues, Stuart.

HILLSBOROUGH COUNTY: Bills, Wiggin, Powers, Michie, Brown of Goffstown, Hambleton, Pattee, Tuttle, Boynton, Wilson, Smith of Hudson, Chase, Gage, Kimball, Woodbury of Manchester, Ward 2, Woodbury of Manchester, Ward 3, Duval, Whitaker, Carter, Emerson of Milford, Foster, Wadleigh, Atherton, Cooper, Duggan.

CHESHIRE COUNTY: Winslow, Hanson, Duncan, Frissell, Gates, Rice, Perry, Wheeler.

SULLIVAN COUNTY: Etsler, Holt, Russell of Claremont, Warner, Witherill, Hall, Whitney.

GRAFTON COUNTY: Bailey of Bath, Pulsifer, Ashley, Hodge, Leonard, Batchelder of Hanover, Hunter, Tuxbury, Craig, Smith of Hebron, Cannell, Dow, French, Howard, Hamilton, Hildebrand, Bailey of Lyme, Lufkin, Dreghorn, Sawyer of Woodstock.

COOS COUNTY: Congdon, Jackson, Emerson of Dalton, Stiles, Crawford, Peabody, Noyes of Stewartstown, McIntyre.

### Pairs

Rollins of Alton voting Yes paired with Tarlson of Laconia voting No.

Lord of Gilford voting Yes paired with Mrs. Soper of Littleton voting No.

Guay of Laconia voting Yes paired with Ballou of Laconia voting No.

Woodbury of Nashua voting Yes paired with Underhill of Nashua voting No.

Hutchins of Charlestown voting Yes paired with Chickering of Walpole voting No.



## Nays, 259

ROCKINGHAM COUNTY: Stowe, Persson, Rand, Burbank, Corson, Grinnell, Fecteau, Thompson of Exeter, Beede, Hoyt of Newington, Labranche, Willey, Knowles, Rowell of Northwood, Fransoso, Frederickson, Reinhart, Foote, Gray, Yeaton, Canty, Cogan, Palfrey, Burkhardt, Liberson, Tucker, Barron, Peever, Smith of Seabrook, Jewell of Stratham, Butterfield.

STRAFFORD COUNTY: Hayes of Barrington, Loughlin, King, Fernald of Dover, Garland, Brown of Dover, Lucas, Smart, Blanchard, Hayes of Farmington, Plummer, Conrad, Emerson of Rochester, Young of Rochester, Beaudoin, Potvin,, Studley, Greenfield, Seavey, Nutter, Laqueux, Habel, Hebert, St. Laurent, Dubois, Berry.

BELKNAP COUNTY: Hier, O'Shan, Normandin, Roucher, Tilton, Ward 4, Laconia, Brown of Meredith, Neal, Smith of New Hampton.

CARROLL COUNTY: Gale, Fernald of Jackson, Merrow, Vittum, Carpenter, Jewell of Wolfeboro.

MERRIMACK COUNTY: Guilbeault, Trow, Conlon, Saltmarsh, Harrison, Paveglio, Lemire, DuDevoir, Lafond, Merrill of Loudon, Cheney, Boisvert of Pembroke, Dupont, Perkins, Sanderson, Clark of Salisbury.

HILLSBOROUGH COUNTY: Graham, Pierce, Clark of Francestown, Charois, Gay, Goodwin of Hudson, Bergholtz, Daniels, Knowlton of Manchester, Barnard, Johnson, Barry of Manchester, Ward 3, Dwyer, Talty, Duffley, Frain, McGowan, O'Neil, Betley, Dulac, Healy, Houle, Lacroix, Mahoney, O'Brien, Barry of Manchester, Ward 6, Booth, Connolly, Fox, Sullivan of Manchester, Benoit of Manchester, Ward 7, Gagnon of Manchester, Gaumont, Jean, Poirier, Turcotte, Benoit of Manchester, Ward 8, Bouthiette, Brousseau, Con-

stant, Donnelly, Gelinas, Kane, Wedick, Boisvert of Manchester, Driscoll, Plante, Brown of Manchester, Caron of Manchester, Ward 10, Gilmartin, Head, Carroll, Mullen, Roukey, Sweeney, Aubin, Caron of Manchester, Ward 12, Letendre, Soucy, Gauthier, Ladouceur, Rousseau, Thibodeau, Erlando, Duclos, Belanger, Goulet, Trombley, Sullivan, Thomas F. of Nashua, Sullivan, Timothy J. of Nashua, Berube, Marquis, Moussette, Fournier, St. Francois, Shea of Nashua, Goyette, Ledoux, Lougee, Cormier, Grandmasion, Joyce, Wilcox, Hurbonovich, Senechal, Shedd, Thompson of New Ipswich, Jones, Bass, Myhaver, Peaslee.

CHESHIRE COUNTY: Moore, Thomas, Miller of Fitzwilliam, Clark of Harrisville, Robertson, Sawyer of Jaffrey, Batchelor, Callahan, Knowlton of Keene, Martin, Ellery, Lichman, Duffy, Tarbox, Phelps, Bullock, Lane, Relihan, Britton, Ingham, Nelson of Winchester.

SULLIVAN COUNTY: Babcock, Converse of Claremont, Howe, Hutchins of Claremont, Officer, Putnam, Barton, Hastings, Donovan, Kempton, Maley, Rowell of Newport, Osborne of Sunapee, Callum, Davison.

GRAFTON COUNTY: Swayne, Tyler, Nowes of Bethlehem, Campbell, Walbridge, Dean, Strobridge, Avery of Holderness, Hough, Hoyt of Lebanon, Legassie, Collins of Lisbon, Bowker, Whitcomb, Santy, Bell, Merrill of Plymouth, Taylor.

COOS COUNTY: Barden, Hinchey, Mason, Paine, Smith of Berlin, Ward 1, Montminy, Palmer of Berlin, Smith of Berlin, Ward 2, Trottier, Bisson, Christiansen, Ramsey, Bixby, Gagnon of Berlin, Laforce, Keough, Willis, Hartford, Marshall, Rowden, Converse of Pittsburg, Boothman, Phelan, Hinman.

And the motion to substitute did not prevail.

The question being on the report of the majority of the committee that the bill ought to pass.

Mr. Duncan of Jaffrey offered the following amendments:

Amend section 1 of said bill by striking out in line 21 of the printed bill the words and figures "three and one-half per cent ( $3\frac{1}{2}$ )" and insert in place thereof the words and figures, four per cent (4%), so that said section as amended shall read as follows: 1. *Pari Mutuel Pools*. Amend section 14, chapter 27, of the laws of 1935 by striking out the said section and inserting in place thereof the following: 14. *Pari Mutuel Pools*. Within the enclosure of any race track where is held a race or race meet licensed and conducted under this act, but not elsewhere, the sale of pari mutuel pools by the licensee under such regulations as may be prescribed by said commission is hereby permitted and authorized during the calendar years 1939 to 1944, inclusive. Commissions on such pools shall in no event and at no track exceed ten per cent (10%) of each dollar wagered, plus the odd cents of all redistribution to be based on each dollar wagered exceeding a sum equal to the next lowest multiple of ten, known as "breakage," one half of which "breakage" shall be retained by the licensee and the balance shall be paid to the State Treasurer for the use of the state as provided by other sections of this act. Said maximum shall include the four per cent (4%) tax hereinafter prescribed.

Further amend said bill by adding thereto a new section which shall be section 2 to read as follows:

2. *State Share*. Amend section 15 of chapter 27 laws of 1935 by striking out in line four the words "three and one-half," and inserting in place thereof the word, four, so that the same shall read as follows: 15. *Tax on Pari-Mutuel Pools*. Each person, association or corporation licensed to conduct a race or race meet under this act shall pay to the state treas-

urer for the use of the state a sum equal to four per cent of the total contributions to all pari mutuel pools conducted or made at any race or race meet licensed under this act. Such person, association or corporation also shall pay to the city or town treasurer in which the racing plant is located the sum of two hundred and fifty dollars for each day of racing, provided said person, association or corporation has a license to conduct races or race meets for more than eight days during the year for which the license is issued. If said person, association or corporation has a license to conduct races or race meets for less than eight days during the year for which the license is issued, the per diem fee to be paid to the city or town treasurer shall be determined by the commission.

Further amend said bill by renumbering section 2 and making it section 3.

The question being on the amendment offered by Mr. Duncan.

(Discussion ensued)

Mr. Duncan spoke in favor of the amendments.

Mr. Normandin of Laconia offered the following amendment to the amendments.

Amend said bill by inserting after section 1 the following new section:

2. *Pari-mutuel Pools.* Amend section 15 of said chapter 27 by striking out said section and inserting in place thereof the following: 15. *Tax.* Each person, association or corporation licensed to conduct a race or race meet under this act shall pay to the state treasurer a sum equal to (four) per cent of the total contributions to all pari mutuel pools conducted or made at any race or race meet licensed under this act. Such person, association or corporation also shall pay to the city or town treasurer in which the racing plant

is located the sum of two hundred and fifty dollars for each day of racing, provided said person, association or corporation has a license to conduct races or race meets for more than eight days during the year for which the license is issued. If said person, association or corporation has a license to conduct races or race meets for less than eight days during the year for which the license is issued, the per diem fee to be paid to the city or town treasurer shall be determined by the commission. Of the amount paid to the state treasurer as hereinbefore provided a sum equal to (three and  $\frac{3}{4}$ ) per cent of said total contributions shall be for the use of the state and a sum equal to one fourth of one per cent shall be distributed to agricultural fairs as provided in section 16-a.

Further amend said bill by inserting after section 2 as hereinbefore provided the following new section:

3. *Distribution of Tax.* Amend said chapter 27 by inserting after section 16 the following new section: 16-. *Agricultural Fairs.* The portion of the tax on pari mutuel pools to be distributed to agricultural fairs as provided in section 15 shall be distributed by the commissioner of agriculture in accordance to the following plan to all agricultural fairs incorporated under the laws of New Hampshire holding yearly exhibitions and paying premiums of five hundred dollars or more annually. Each year a payment of one hundred dollars shall be paid to all such agricultural fairs. The balance of said fund shall be divided pro rata based on the amount of agricultural premiums paid annually by said fairs. In determining the premiums paid the commissioner may take into consideration premiums paid for products of household, 4-H clubs and other exhibits that make displays agricultural in character, also premiums paid on pulling cattle, draft horses, farm teams, show horses, show cattle, fruits, vegeta-



bles, trucks and motor vehicles shown or used in parades when trimmed or decorated with agricultural products. The commissioner of agriculture shall make such rules and regulations relative to reports as to premiums paid as may be necessary to enable him to determine the pro rata distribution to be made of the sums hereinbefore provided.

Further amend by renumbering section 2 section 4.

Question being on the amendments offered by Mr. Normandin.

(Discussion ensued)

Mr. Normandin of Laconia spoke in favor of the amendments.

Mr. Merrow of Ossipee spoke against the amendments.

Mr. Merrow of Ossipee moved the previous question.

The question being, Shall the main question now be put?

On a *viva voce* vote the previous question was ordered.

The question being on the amendments offered by Mr. Normandin.

Mr. Normandin called for a division.

A division being taken the Speaker declared the vote manifestly in the negative and the amendment to the amendment was not adopted.

The question being on the amendments offered by Mr. Duncan.

Mr. Duncan called for a division.

A division being taken 233 members voted in the affirmative and 142 members voted in the negative and the amendments were adopted.

Mr. Sherry of Dover offered the following amendment.

Amend House Bill No. 9, by adding thereto another section which shall be as follows.



2. *Wages of Employees.* Amend section 21 of Chapter 27, Laws of 1935 by adding at the end thereof the following: Wages of the classes of employees herein set forth shall at all times be not less than the following amounts. Per day.

So that said section as amended shall read as follows:

21. *Employees.* At least eighty-five (85) per cent of the persons employed by a person, association or corporation conducting a racing plant under the provisions of the Act shall be bona fide residents of New Hampshire who have resided in the state for not less than one year, and the State Racing Commission is hereby directed to see that this provision is complied with. The provisions of this section shall not apply to the construction of a racing plant or its equipment.

Wages of classes of employees mentioned shall at all times be not less than the following amounts.

Ticket sellers	\$ 8.00
Cashiers	10.00
Sheet writers	12.00
Laborers	6.00

The question being on the amendment offered by Mr. Sherry.

(Discussion ensued)

Mr. Sherry spoke in favor of the amendment.

Messrs. Sanderson of Pittsfield and Mr. Tilton of Ward 4, Laconia spoke against the amendment.

On a *viva voce* vote the amendment was not adopted. The bill was ordered to a third reading.

Mr. Sanderson of Pittsfield moved that the rules be so far suspended that the bill be put upon its third reading, by title, at the present time.

The question being on the motion of Mr. Sanderson.

(Discussion ensued)

Mr. Etsler of Claremont spoke in favor of the motion.

On a *viva voce* vote the motion prevailed.

The bill was then read a third time and passed and sent to the Senate for concurrence.

### Reconsideration

Mr. Barnard of Manchester gave notice that on to-day or some subsequent day he would move to reconsider the vote whereby the House passed House Bill No. 9, An act relating to horse racing and creating a State Racing Commission.

Mr. Tilton of Ward 4, Laconia moved the reconsideration be made at the present time.

On a *viva voce* vote the motion did not prevail.

On motion of Mr. Sanderson of Pittsfield the House took a recess for one hour.

### After Recess

### Committee Reports

On motion of Mr. Baker of Concord the rules were suspended to allow for the presentation of committee reports which had not previously been advertised in the Journal.

The question being on the motion of Mr. Baker.

(Discussion ensued)

Mr. Baker of Concord spoke in favor of the motion.

On a *viva voce* vote the motion prevailed.

Mr. Baker of Concord for the Committee on Rules, having considered the subject reported the following entitled bill, House Bill No. 314, An act in relation to timber salvage, with the recommendation that the bill be referred to the Committee on Revision of Statutes.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Revision of the Statutes.

Mr. Baker of Concord for the Committee on Rules having considered the subject reported the following entitled bill, House Bill No. 315, An act to provide for additional facilities for the State Hospital in accord with recommendations of the State Planning and Development Commission, authorized by resolution of the Legislature of 1937, with the recommendation that the bill be referred to the Committee on State Hospital.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on State Hospital.

Mr. Baker of Concord for the Committee on Rules having considered the subject reported the following entitled bill, House Bill No. 316, An act regulating the taxation of timber blown down by the hurricane of September 21, 1938, with the recommendation that the bill be referred to the Committee on Ways and Means.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Ways and Means.

Mr. Baker of Concord for the Committee on Rules having considered the subject reported the following entitled bill, House Bill No. 317, An act authorizing entry on privately owned land for fire prevention work, with the recommendation that the bill be referred to the Committee on Judiciary.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Judiciary.

Mr. Baker of Concord for the Committee on Rules having considered the subject reported the following entitled bill, House Bill No. 318, An act regulating fires in time of woodland bans, with the recommendation that the bill be referred to the Committee on Judiciary.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Judiciary.

Mr. Baker of Concord for the Committee on Rules having considered the subject reported the following entitled bill, House Bill No. 319, An act relating to the equipment of portable mills, with the recommendation that the bill be referred to the Committee on Forestry and Recreation.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Forestry and Recreation.

Mr. Baker of Concord for the Committee on Rules having considered the subject reported the following entitled bill, House Bill No. 320, An act providing for the acquisition by eminent domain of land or rights therein for lumbering purposes, with the recommendation that the bill be referred to the Committee on Judiciary.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Judiciary.

Mr. Normandin of Laconia for the Committee on Judiciary, to whom was referred House Bill No. 118, An act relating to legal holidays, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend said bills by striking out the whole thereafter and inserting in its place the following:

1. *General John Stark Day.* The Governor is hereby authorized and directed to issue annually a proclamation declaring that the seventeenth day of June be known as General John Stark Day and directing that appropriate ceremonies be held on said day in commemoration of the patriotic devotion which this outstanding New Hampshire hero gave to his country.

2. *Takes Effect.* This act shall take effect upon its passage.

The report was accepted and the bill ordered to a third reading.

Mr. Normandin of Laconia for the Committee on Judiciary, to whom was referred House Bill No. 152, An act authorizing the town of Belmont to issue refunding notes or bonds, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Normandin of Laconia for the Committee on Judiciary, to whom was referred House Joint Resolution No. 32, Joint resolution providing for a survey of roadside conditions in the state, reported the same with the following amendment, and the recommendation that the resolution as amended ought to pass.

Amend said resolution by striking out the last sentence and inserting in place thereof the words, The advisory committee on roadside development as now constituted be and hereby is directed to review the roadside survey results and to submit a report giving its findings and recommendations. The state planning and development commission shall transmit to the legislature the advisory committee report. The committee may be added to or resignations replaced by the majority consent of the committee, so that said resolution, as amended, shall read as follows:

That the state planning and development commission be and hereby is directed to make a survey of the roadsides of the state and to report back to the next regular session of the legislature

(1) a recommended classification of the land bordering state highways into scenic, commercial or such other classifications as may be deemed desirable, and

(2) a recommended program for the protection and improvement of the roadsides of the state.

The advisory committee on roadside development as now constituted be and hereby is directed to review the roadside survey results and to submit a report giving its findings and recommendations. The state planning and development commission shall transmit to the legislature the advisory committee report. The Committee may be added to or resignations replaced by the majority consent of the committee.

The report was accepted, the amendment adopted and the bill referred to the Committee on Appropriations under the rules.

Mr. Normandin of Laconia for the Committee on Judiciary, to whom was referred House Bill No. 24, An act to provide for the regulation of billboards, signs and other forms of outdoor advertising, reported the same with the recommendation that the bill is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Merrow of Ossipee for the Committee on Ways and Means, to whom was referred House Bill No. 15, An act to re-enact the law permitting horse racing and sale of pools, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate, subject matter covered by another bill favorably reported.

The report was accepted and the resolution of the committee adopted.

Mr. Merrow of Ossipee for the Committee on Ways and Means, to whom was referred House Bill No. 142, An act to re-enact the law permitting horse racing and sale of pools, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate, subject matter covered by another bill favorably reported.

The report was accepted and the resolution of the committee adopted.



Mr. Merrow of Ossipee for the Committee on Ways and Means, to whom was referred House Bill No. 223, An act relative to the state tax on pari-mutuel pools, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Merrow of Ossipee for the Committee on Ways and Means, to whom was referred House Bill No. 301, An act relating to horse racing and creating a State Racing Commission, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate, subject matter covered by another bill favorably reported.

The report was accepted and the resolution of the committee adopted.

Mr. Carpenter of Wolfeboro for the Committee on Fisheries and Game, to whom was referred House Bill No. 70, An act relating to license to hunt and fish, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted.

Mr. Orlando of Mont Vernon moved that the words "ought to pass" be substituted for the words "inexpedient to legislate."

The question being on the motion to substitute.

(Discussion ensued)

Messrs. Orlando of Mount Vernon, and Young of Tuftonboro spoke in favor of the motion.

Mr. Carpenter of Wolfeboro spoke against the motion.

Mr. Duncan of Jaffrey moved that the bill and accompanying report be recommitted to the Committee on Fisheries and Game.

On a *viva voce* vote the motion prevailed and the bill and accompanying report was recommitted to the Committee on Fisheries and Game.

Mr. Carpenter of Wolfeboro for the Committee on Fisheries and Game, to whom was referred House Bill No. 57, An act relative to exceptions to the requirements for fishing and hunting licenses and the fees for licenses, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Carpenter of Wolfeboro for the Committee on Fisheries and Games, to whom was referred House Bill No. 32, An act relating to licenses for hunting and fishing, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Carpenter of Wolfeboro for the Committee on Fisheries and Game, to whom was referred House Bill No. 211, An act relating to fishing licenses, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Carpenter of Wolfeboro for the Committee on Fisheries and Game, to whom was referred House Bill No. 154, An act relative to combination fishing and hunting licenses to certain non-residents, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Carpenter of Wolfeboro, for the Committee on Fisheries and Game, to whom was referred House Bill

No. 155, An act relating to license fees for taking fish and game, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Merrill of Loudon, for the Committee on Public Improvements, to whom was referred House Bill No. 178, An act relating to construction of highways for the better control of motor vehicle traffic from the mountain districts to the seacoast, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Pray of Rochester for the Committee on Public Improvements, to whom was referred House Bill No. 290, An act relating to the removal of trees near certain highways, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mrs. Bixby of Berlin, for the Committee on Liquor Laws, to whom was referred House Bill No. 173, An act relating to entertainment in establishments where liquor and beverages are sold, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mrs. Bixby of Berlin, for the Committee on Liquor Laws, to whom was referred House Bill No. 237, An act relating to the employment of women and minors in the sale of liquor or beverages, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. King of Dover, for the Committee on National Affairs, to whom was referred Resolution, A resolution in favor of continuing the policy of neutrality regarding export of implements of war, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted.

Mr. Woodbury of Ward 2, Manchester moved that the words "ought to pass" be substituted for the words "inexpedient to legislate".

The question being on the motion to substitute.

(Discussion ensued)

Mr. Woodbury of Ward 2, Manchester spoke in favor of the motion.

Messrs. Winslow of Chesterfield, and Emerson of Milford spoke against the motion.

On a *viva voce* vote the motion did not prevail.

The question being on the resolution reported by the committee.

On a *viva voce* vote the resolution reported by the committee was adopted.

Mr. King of Dover, for the Committee on National Affairs, to whom was referred Resolution, A resolution commending Senator H. Styles Bridges' stand in regard to embargo on arms to Spain, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

### Senate Message

A message from the Honorable Senate announced that the Senate had voted to concur with the House

of Representatives in the passage of the following entitled bills, sent up from the House of Representatives:

House Bill No. 40, An act prohibiting the publication by county officials of names of persons receiving soldiers' aid.

House Bill No. 49, An act relating to city and town tax collectors' association.

House Bill No. 65, An act legalizing the November 1938 election in the town of Barnstead.

House Bill No. 130, An act authorizing the town of Newmarket to issue refunding notes or bonds.

The message also announced that the Senate had passed a bill with the following title, in the passage of which it asked the concurrence of the House of Representatives:

Senate Bill No. 7, An act relating to the registration of motor vehicles.

### Senate Bill Read and Referred

Senate Bill No. 7, An act relating to the registration of motor vehicles.

Read a first and second time, laid upon the table to be printed and referred to the Committee on Judiciary.

### Resolutions

On motion of Mr. Emerson of Milford.

*Resolved*, That the member from Nashua, Mrs. Cooper, be a committee to express our sympathy to Charles J. Woodbury of Nashua, for his accident, express our hope for his speedy and complete recovery, and that she leave with him a proper floral tribute.

On motion of Mr. Atherton of Nashua.

*Resolved*, That permission be granted to the Committee on Banks for the use of Representatives' Hall

on Tuesday, February 21, at 1:30 o'clock, for a public hearing on House Bill No. 251, An act to authorize branch banking.

### Concurrent Resolution

Mr. Ellery of Keene offered the following concurrent resolution:

*Resolved*, That the New Hampshire House of Representatives, the Senate concurring, memorialize the Congress of the United States to so far amend the Fair Labor Standards Act, known as the wage and hour bill, as to exempt from the provisions thereof employees engaged in timber salvaging during the existence of the present emergency within the state of New Hampshire.

*Be It Further Resolved*, That a copy of these resolutions be sent to Senators H. Styles Bridges and Charles W. Tobey and to Representatives Arthur B. Jenks and Foster Stearns.

Read and referred to the Committee on National Affairs.

On motion of Mr. Elkins the House adjourned from the morning session.

The House was immediately called to order in afternoon session.

### Afternoon

On motion of Mr. Elkins of Concord the rules were suspended, the third readings of bills by titles was made in order.

### Third Readings

House Bill No. 118, An act relating to legal holidays.

House Bill No. 152, An act authorizing the town of Belmont to issue refunding notes or bonds.



Severally read a third time and passed and sent to the Senate for concurrence.

On motion of Mr. Callahan of Keene at 5:45 o'clock the House adjourned.

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Wednesday, February 15, 1939.

The House met at 11:00 o'clock.

Prayer was offered by the Chaplain.

### Joint Convention

The Honorable Senate then came in and the two branches being in convention His Excellency, the Governor, appeared and delivered the following message:

## BUDGET MESSAGE

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*Mr. Speaker and Members of the Honorable General Court:*

In accordance with statute, I present to you the budget of the Government of the State of New Hampshire for the biennium beginning with July 1, 1939, and ending June 30, 1941.

### I. PURPOSE OF THE BUDGET

In preparing it, I have been mindful of the fact that, under the law, the budget is not intended to be in the nature of a balance sheet or a financial statement, for such summaries are strictly accountings of past operations of the government and are more properly embodied in the reports of the treasurer and the comptroller.

Rather, my thought has been to organize and evaluate the experience that we have had and on that base to develop a definite financial plan or program, first, to guide us in making provisions for the next two years and, second, to provide a medium through which citizens may be accurately informed of the conduct of their government.

This document which I place in your hands today represents my considered judgment of the future needs of the governmental establishment, viewed as a unit, rather than as a group of more or less independent agencies. In it, I have recommended a balanced program of expenditures and have indicated the revenues out of which the costs may be defrayed.

In formulating the budget, I have given due weight to the plans and cost estimates furnished by officials directly concerned with the many public services rendered by the state, or proposed for undertaking.

I would not wish, in the slightest degree, to lessen their enthusiasm for public accomplishment or to

restrain the commendable spirit of progress which animates them, yet I have been in duty strictly bound to give heed to other important factors involved and to withhold my approval from a number of proposed expansions and new undertakings.

In so acting, I have not been swayed either by the amount of revenue in prospect or by the total of proposed expenditures. To me, the ultimate test is whether the public benefits that may be expected to flow from proposed expenditures more than counter-balance the effect of the costs.

Accordingly, this budget reflects my conception of the furthestmost extent and best manner in which we can meet the requirements of the people for expanded and additional governmental services, without thereby overpassing the limits of their capacity to pay for them.

This message, which introduces the budget, is an integral part of it; supplementing the figures, explaining certain of them, and describing the manner in which it is planned that funds needed to balance the budget shall be obtained.

### **Budget Affects Everyone**

Since this budget will directly or indirectly affect every local government, every business organization, and, in one way or another, every man, woman and child in New Hampshire, it is extremely important that it be drawn against the general background of social and economic conditions which exist in the state.

That I have endeavored to do, believing that to attempt to draft a budget without closest reference to the circumstances of public prosperity would be as senseless as designing a dwelling without knowing how much the owner could afford to pay, the size of his family, or the nature of his social life.

It seems clear to me that if we always take that position from which to view our public affairs, testing

every proposed outlay against the absolute needs of good government, we shall avoid undertakings upon which more populous commonwealths are possibly obliged to enter but which are unnecessary in New Hampshire and which, if attempted, would only result in a waste of money.

If our appraisals of the future are made upon a basis of known facts conservatively projected, our commitments in the interest of the public will be as wise as ordinary men can decide upon and we could not hope for more.

It is against that background and having before us the example the people themselves have given us in the decisions they have had to make in guiding their individual economic activities, that we must draft our financial program for the next two years.

## II. FINANCIAL CONDITION OF THE GOVERNMENT

Contemplation upon the appropriation bills will not bring to anyone interested in public finance, a proper conception of the size and extent of the state's business.

The revenues that the General Court every two years allocates for spending among the various institutions and departments actually represents less than a quarter of all the monies which enter the treasury, the great bulk of the state's income passing directly into an expendable state without requiring further legislative action.

Thus, as will be seen from Table I, in the course of the year which terminated on June 30, 1938, the state derived, from all sources, income aggregating \$21,409,538. This represents the entire proceeds of the gasoline road toll, the gross receipts of the state liquor stores, the Fish and Game department, the toll bridges, grants from the federal government and income from all other sources.

Total outgo in the same period amounted to \$20,789,237. In this were included all the sums expended for the maintenance and construction of high-

**TABLE I**  
**TOTAL INCOME AND OUTGO OF THE STATE**  
**GOVERNMENT**

(Fiscal Year Ending June 30, 1938)

<b>Income:</b>	
Revenue .....	\$19,249,995.66
Borrowings .....	2,130,000.00
Repayment of loans to towns .....	29,542.58
<b>Total Income .....</b>	<b>\$21,409,538.24</b>
<b>Outgo:</b>	
Operating Expenses .....	\$16,264,231.67
Debt redemptions .....	1,681,000.00
Permanent improvements .....	2,844,006.28
<b>Total Outgo .....</b>	<b>\$20,789,237.95</b>
<b>Excess of income over outgo .....</b>	<b>\$620,300.29</b>
<b>Surplus of July 1, 1937 .....</b>	<b>971,634.15</b>
<b>Total Surplus June 30, 1938 ....</b>	<b>\$1,591,934.44</b>

ways, the operation of the Fish and Game department, the liquor stores and the toll bridges; the payment of interest on and the redemption of bonds, and funds spent for the construction of buildings and other permanent improvements, all totalling about \$16,000,000. The balance, approximately \$4,766,000, was appropriated directly by the legislature for the maintenance of the state departments and institutions.

Twenty million dollars and more seems a large sum for the people annually to pay for the maintenance of their state government. Actually, it is moderate by

comparison with figures for most other states. It is a fact that, with the exception of Vermont, the State of New Hampshire last year showed a lower cost of government than any other New England state.

In this group of neighboring commonwealths, ours has shown the smallest rate of increase in over-all costs during the past four years.

### Comparative Costs of State Governments

Since June 30, 1934, the costs of government in our state advanced by \$2,658,000, or 14½ percent. During the same period, in the State of Maine such costs expanded by \$9,232,000 or 46 percent; in Vermont by \$4,499,000 or 43 percent; in Massachusetts, by \$41,554,000 or 58 percent; in Rhode Island by \$6,918,000 or 49 percent; and in Connecticut by \$17,448,000 or 42 percent.

The excellent standing of New Hampshire among its sister states with respect to costs of government is the result of many co-operating influences, namely, good legislative control, effective administrative supervision, wise financial policies, frugal expenditures, a minimum of overhead, and an avoidance of unnecessary functions. Of this record, we ought all be proud.

However, the large financial scale upon which the state has been operating in recent years should demonstrate to us how essential it is that, in formulating fiscal policies, we have our problems completely before us and that decisions be based upon a broad conception of the state's economy.

The division of the public revenue into two major classifications, restricted and unrestricted, is convenient, is good accounting and has the sanction of many legislative sessions.

The only difference between the two classes is that in the case of restricted revenues, the legislature has decreed that the funds shall be segregated for use for certain purposes, while unrestricted revenues are used



TABLE II  
INCOME AND EXPENSES OF MAJOR DEPARTMENTS NOT INCLUDED IN THE BUDGET  
(Fiscal Year Ending June 30, 1938)

Department	Income	Expenditures
Highway and Motor Vehicle .....	*\$8,822,282.11	**\$7,862,173.39
Fish and Game .....	228,815.25	245,929.49
Hairdressers' Board .....	12,778.00	8,486.90
Liquor Commission		
Total Income .....	4,511,412.05	
Transferred to General Sinking Fund ....	\$1,196,454.46	
Transferred to Unrestricted Revenue .....	398,294.60	
Total Transferred .....	1,589,729.06	
Income for Administration, Operation and Purchase of Liquor for resale .....	\$2,921,682.99	
Administration and Operation .....		423,461.09
Purchase of Liquor for resale .....		2,498,221.90

TABLE II—CONCLUDED  
 INCOME AND EXPENSES OF MAJOR DEPARTMENTS NOT INCLUDED IN THE BUDGET  
 (Fiscal Year Ending June 30, 1938)

Department	Income	Expenditures
Racing Commission		
Total Income .....	\$536,500.28	
Transferred to General Sinking Fund .....	518,994.99	
Administration .....	\$17,505.29	\$17,505.29
Prison Industries .....	\$120,300.39	\$104,407.80
Toll Bridges		
Total Income .....	\$173,173.74	
Transferred to Sinking Funds .....	144,766.74	
Operation and Maintenance .....	\$28,407.00	\$28,353.28
Miscellaneous Departments .....	\$5,442.63	\$4,907.51
* Includes temporary note for \$2,000,000.00		\$7,687,459.43
** Highway department .....		\$171,389.99
Motor Vehicle .....		\$3,323.97
Treasury (collection of road toll) .....		

**TABLE III**  
**CASH RECEIVED—FEDERAL SUBVENTIONS AND GRANTS**  
 (Fiscal Years Ending June 30)

	1934	1935	1936	1937	1938
Cooperative Fire Protection .....	\$15,596.00	\$15,100.00	\$15,600.00	\$15,290.00	\$13,967.00
Cooperative District Planting .....	1,500.00	1,424.52	1,675.48	1,633.78	1,461.21
Vocational Education (Smith-Hughes)	23,883.82	32,256.13	31,390.89	35,633.28	36,651.99
Vocational Education (George Reed)	3,520.46	.....	.....	.....	.....
Vocational Education (George Ellzey)	.....	15,000.00	9,914.59	6,238.78	.....
Vocational Rehabilitation .....	5,000.00	6,249.01	5,781.05	5,309.42	6,282.35
Soldiers' Home .....	5,019.30	3,960.30	3,575.87	4,042.97	4,818.90
National Forest Reserve .....	1,362.76	6,494.95	8,113.36	8,190.62	10,384.66
R. F. C. Relief .....	698,739.00	.....	.....	.....	.....
Transportation and Expenses C.W.A.	.....	27,659.00	.....	.....	.....
Unemployment Compensation Division	.....	.....	.....	.....	.....
National Re-employment Service ..	20,443.00	.....	78,339.27	195,968.96	268,969.22
Public Employment Service .....	.....	.....	.....	.....	.....
Maternal and Child Health .....	.....	10,714.00	11,025.08	14,887.67	14,981.01
Child Welfare Services .....	.....	.....	11,975.67	27,032.12	27,290.47
State Board Welfare & Relief .....	.....	.....	4,971.68	13,890.81	13,835.92
Federal Survey of Relief Cases ....	962.80	6,925.00	50,000.00	.....	.....
R. F. C. Gardens for Unemployed ..	.....	5,500.00	.....	.....	.....
Transients .....	135,051.00	164,000.00	.....	.....	.....

Old Age Assistance .....	.....	138,384.81	402,971.56	521,245.15
N. H. E. R. A. ....	401,037.20	.....	.....	.....
Professional Work Projects .....	.....	.....	.....	.....
Materials for Projects .....	.....	.....	.....	.....
Noon Lunches for Children .....	1,000.00	.....	.....	.....
Child Health Program .....	40,000.00	.....	.....	.....
Aged and Needy Blind .....	.....	.....	.....	.....
Adult Education .....	23,313.00	11,017.56	36,849.85	38,051.86
Part Time Employment—Colleges ..	9,244.00	.....	.....	.....
Training School—Unemployed Women ..	2,500.00	.....	.....	.....
Educational Program .....	.....	.....	.....	.....
Social Workers, Training Program ..	.....	.....	.....	.....
Training Personnel—Public Health ..	.....	.....	.....	.....
Service .....	.....	6,955.00	33,054.90	45,564.00
Rural Rehabilitation .....	.....	.....	.....	.....
Mothers' Aid .....	.....	20,506.15	52,048.10	54,969.79
Crippled Children Services .....	.....	1,500.00	2,501.42	11,884.74
U. S. Treasury .....	2.73	.....	.....	.....
Stream Flow Gauging .....	198.90	.....	.....	.....
State Industrial School Barn .....	.....	750.00	.....	.....
Highway Road Account .....	533,819.78	144,113.59	266,609.16	400,692.10
Highway Road Account National Recovery .....	441,938.74	760,565.22	949,316.81	528,150.30
National Recovery Highways .....	.....	66,262.40	21,862.68	.....
Highway—Federal .....	129,384.00	.....	.....	.....
Highway Flood Account .....	.....	.....	106,485.40	561,115.18
Emergency Relief .....	637,803.00	.....	.....	.....
Director of Relief .....	5,303.00	.....	.....	.....

TABLE III—CONCLUDED  
CASH RECEIVED—FEDERAL SUBVENTIONS AND GRANTS  
(Fiscal Years Ending June 30)

	1934	1935	1936	1937	1938
Director of Re-employment .....	4,930.00	.....	.....	.....	.....
Pauper Aid .....	50,000.00	.....	.....	.....	.....
Cattle Program .....	.....	44,300.00	.....	.....	.....
Franklin Armory .....	.....	7,815.45	6,177.59	.....	.....
General Public Works—Airports ..	.....	20,600.00	.....	.....	.....
General Relief .....	.....	375,000.00	.....	.....	.....
State Hospital—Tobey Building ..	.....	.....	42,256.50	33,696.24	2,938.84
Laconia Cow Barn .....	.....	3,052.60	4,787.40	.....	.....
State Hospital—Men's Dormitory ..	.....	15,274.25	21,825.75	.....	.....
Dover Point Toll Bridge .....	.....	114,515.62	132,426.56	3,178.91	1,387.00
Vocational Education (George Deen)	.....	.....	.....	.....	32,856.00
N. H. Employment Service .....	.....	.....	.....	.....	121,916.00
Infirmiry Building—Sanitorium ..	.....	.....	.....	21,812.40	6,111.77
Laundry Building—State Hospital ..	.....	.....	.....	12,455.10	24,909.90
Infirmiry Building—Laconia School.	.....	.....	.....	19,240.35	38,480.65
Administration Building—Industrial	.....	.....	.....	.....	.....
School .....	.....	.....	.....	46,879.00	13,394.00
Dormitory—Industrial School .....	.....	.....	.....	17,483.20	4,801.14
TOTAL .....	\$3,191,552.49	\$3,969,384.47	\$1,589,891.47	\$2,354,563.49	\$2,807,111.15

to meet the expenditures authorized in the regular appropriation bills.

The objects of expenditures to which restricted revenues are applied in New Hampshire are those of such established and continuing nature that the proceeds of specific taxes, in whole or part, can be devoted permanently to them, with a minimum of legislative control. On the other hand, unrestricted revenues, including all those which are regularly used for the support of state departments and institutions, are the subject of biennial reviews and are closely controlled by the legislature.

### **Comprehensive Budget Is Needed**

In both preparation and legislative consideration, budgets in the past have been viewed narrowly as means for controlling the expenditure of unrestricted revenues. Although of at least equal importance, the problem of revenue has been treated as a feature of secondary concern in the budget and, usually, solved apart from it.

For this failure to make the budget a unified financial plan, no one in particular has been at fault. New Hampshire has been no different from other states, or the United States or European governments, for that matter, in emphasizing expenditure control as the prime function of the budget.

The effectiveness of budgets in other years has suffered because of the omission of information relative to the expenditure of many forms of restricted revenues during the preceding biennium and the manner in which they are to be expended during the ensuing two year period.

Therefore, in order to give comprehensiveness and unity to the present budget, I am appending a summary (given in Table II) of the revenues and expenditures, during the present biennium, of the principal



TABLE IV  
BOND AND NOTE INDEBTEDNESS

ISSUE	Outstanding June 30, 1938	Authorized and Unissued	Interest and Redemption Requirements			
			Retired 1938	Fiscal Years Ending 1939	June 30 1940	1941
A.—Obligations Redeemable Out of Revenues Which May be Available for General Purposes						
GENERAL						
Franconia Notch						
Principal . . . . .	\$110,000.00	. . . . .	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00
Interest . . . . .	. . . . .	. . . . .	4,400.00	4,200.00	3,800.00	3,400.00
State Hospital						
Dormitory						
Principal . . . . .	200,000.00	. . . . .	. . . . .	50,000.00	50,000.00	50,000.00
Interest . . . . .	. . . . .	. . . . .	8,000.00	7,000.00	5,000.00	3,000.00
Plymouth Normal						
Dormitory						
Principal . . . . .	35,000.00	. . . . .	50,000.00	35,000.00	. . . . .	. . . . .
Interest . . . . .	. . . . .	. . . . .	3,612.50	2,231.25	. . . . .	. . . . .
State Hospital Im- provements						
Principal . . . . .	65,000.00	. . . . .	. . . . .	65,000.00	. . . . .	. . . . .
Interest . . . . .	. . . . .	. . . . .	2,762.50	4,143.75	. . . . .	. . . . .

[illegible]

TABLE IV—CONTINUED  
BOND AND NOTE INDEBTEDNESS

ISSUE	Outstanding June 30, 1938	Authorized and Unissued	Interest and Redemption Requirements			
			Retired 1938	Fiscal Years 1939	Ending June 30 1940	1941
Claremont Armory						
Principal . . . . .	. . . . .	. . . . .	50,000.00	. . . . .	. . . . .	. . . . .
Interest . . . . .	. . . . .	. . . . .	2,125.00	. . . . .	. . . . .	. . . . .
Emergency Relief, 1936						
Principal . . . . .	. . . . .	. . . . .	100,000.00	. . . . .	. . . . .	. . . . .
Emergency Flood Relief, 1936						
Principal . . . . .	. . . . .	. . . . .	130,000.00	. . . . .	. . . . .	. . . . .
Temporary Loan						
Interest . . . . .	. . . . .	. . . . .	611.11	. . . . .	. . . . .	. . . . .
B.—Obligations Redeemable Out of Revenues Available for No Other Purposes						
HIGHWAY						
Permanent						
ways						
Principal . . . . .	5,600,000.00	. . . . .	500,000.00	500,000.00	500,000.00	550,000.00
Interest . . . . .	. . . . .	. . . . .	194,729.16	180,875.00	166,500.00	147,500.00

Highway Flood						
Temporary Note	2,000,000.00	.....	.....	2,000,000.00	.....	.....
Interest (Estimated)	.....	.....	8,101.66	2,000.00	.....	.....
Highway Relief,						
1933						
Principal	1,050,000.00	.....	300,000.00	300,000.00	300,000.00	225,000.00
Interest	.....	.....	35,625.00	30,375.00	19,875.00	14,625.00
Trunk Line Completion						
Principal	150,000.00	.....	30,000.00	30,000.00	30,000.00	30,000.00
Interest	.....	.....	7,425.00	6,075.00	4,725.00	3,375.00
TOLL BRIDGE						
John Sullivan Toll						
Bridge						
Principal	950,000.00	.....	.....	.....	50,000.00	50,000.00
Interest	.....	.....	33,250.00	33,250.00	32,375.00	30,625.00
Hampton Harbor						
Toll Bridge						
Principal	480,000.00	.....	25,000.00	25,000.00	25,000.00	25,000.00
Interest	.....	.....	9,933.34	9,600.00	9,100.00	8,600.00
C—Bonds Authorized by the General Court But Not Yet Issued						
Bridge approaches	.....	40,000.00	.....	.....	.....	.....
Aerial tramway	.....	250,000.00	.....	.....	.....	.....

TABLE IV—CONCLUDED  
BOND AND NOTE INDEBTEDNESS

ISSUE	Outstanding June 30, 1938	Authorized and Unissued	Retired 1938	Interest and Red Fiscal Yearsempment Requirements 1939	Ending June 30 1940	1941
Water resources .	.....	100,000.00	.....	.....	.....	.....
Welfare and Re- lief Notes ..	.....	200,000.00	.....	.....	.....	.....
State House annex	.....	600,000.00	.....	.....	.....	.....
Manchester armory	.....	400,000.00	.....	.....	.....	.....
Rye Harbor jetties	.....	154,000.00	.....	.....	.....	.....
Old Relief Notes.	.....	500,000.00	.....	.....	.....	.....
D—Bonds Authorized by the General Court						
But Which Will Not be Issued						
Flood Control —						
Merrimack .	.....	1,143,000.00	.....	.....	.....	.....
Flood Control —						
Connecticut .	.....	135,000.00	.....	.....	.....	.....
Total Principal.	.....	.....	\$1,681,000.00	\$3,645,000.00	\$1,565,000.00	\$1,340,000.00
Total Interest .	.....	.....	413,131.94	368,895.00	311,995.00	261,995.00
GRAND TOTAL	\$13,602,000.00	\$3,522,000.00	\$2,094,131.94	\$4,013,895.00	\$1,876,995.00	\$1,601,995.00

agencies of the state which in other years have not been included.

Among these are the Highway and Motor Vehicle Departments which, between them this year, accounted for expenditures totalling \$7,862,173, or 65 percent more than all the appropriations made directly by the legislature for the same period. The financial situation in the Fish and Game Department, with income approaching \$229,000 and expenditures of about \$246,000, are well-known because of the attention given it by sportsmen. Not many people realize, however, that the prison industries is a \$100,000 business and some may be surprised to find that the turnover of the state liquor store system was, last year, in the neighborhood of four and a half millions of dollars.

### **All Units should be Included**

While the several units in this non-budgetary group are either self-supporting, or have the continuing use of certain revenues, obviously it is impossible for the Governor to prepare a financial plan and equally impossible for the Legislature to act intelligently upon the budget unless the results of the operations of these special agencies which expend three times as much money as is directly appropriated are incorporated in the general financial picture of the governmental organization.

When the time arrives, in 1941, for the preparation of departmental budget estimates for the 1942-43 biennium, it is my intention to require all of the spending agencies of the state not heretofore included in the budget to furnish their formal estimates for the ensuing two year period for approval by the Governor and for final review and approval by the General Court.

In that way, the income, expenditures and operating programs of all divisions of the government will be brought directly under legislative and administrative



TABLE V  
NET BOND AND NOTE INDEBTEDNESS  
(Fiscal Year Ending June 30, 1937)

	Total Bonds and Notes	Less Sinking Fund Assets	Net Bond and Note Debt
General Sinking Fund .....	\$4,068,000.00	\$679,049.52	\$3,388,950.48
Highway Sinking Fund .....	6,100,000.00	497,320.16	5,602,679.84
Special Highway Sinking Fund .....	1,350,000.00	225,175.00	1,124,825.00
Trunk Line Completion Sinking Fund ....	180,000.00	180,000.00	.....
General John Sullivan Toll Bridge Sinking Fund .....	950,000.00	180,948.61	769,051.39
Hampton Harbor Toll Bridge Sinking Fund	505,000.00	59,224.41	445,775.59
Total .....	<u>\$13,153,000.00</u>	<u>\$1,821,717.70</u>	<u>\$11,331,282.30</u>

TABLE V—CONCLUDED  
NET BOND AND NOTE INDEBTEDNESS  
(Fiscal Year Ending June 30, 1938)

	Total Bonds and Notes	Less Sinking Fund Assets	Net Bond and Note Debt
General Sinking Fund .....	\$3,372,000.00	\$1,030,113.46	\$2,341,886.54
Highway Sinking Fund .....	5,600,000.00	613,662.18	4,986,337.82
Special Highway Sinking Fund .....	1,050,000.00	150,000.00	900,000.00
Trunk Line Completion Sinking Fund ....	150,000.00	150,000.00	.....
General John Sullivan Toll Bridge Sinking Fund .....	950,000.00	238,626.63	711,373.37
Hampton Harbor Toll Bridge Sinking Fund	480,000.00	77,581.92	402,418.08
Highway Flood Note .....	2,000,000.00	.....	2,000,000.00
Total .....	\$13,602,000.00	\$2,259,984.19	\$11,342,015.81

TABLE VI  
SUMMARY OF TEMPORARY LOANS

Title	When Issued	Maturity Date	Amount Issued	Amount Redeemed	Outstanding June 30, 1938	Interest Rate Percent
(Fiscal Year Ending June 30, 1938)						
Highway Flood Relief Property Damage	7- 1-37	9-29-37	\$2,000,000.00	\$2,000,000.00	.....	0.50
Flood 1936 .....	7- 1-37	7- 1-37	130,000.00	130,000.00	.....	....
State Board Welfare and Relief .....	9-10-37	10-25-37	1,000,000.00	1,000,000.00	.....	0.50
Highway Flood Relief	9-29-37	11-29-37	2,000,000.00	2,000,000.00	.....	0.50
Highway Flood Relief	11-29-37	1-28-38	2,000,000.00	2,000,000.00	.....	0.325
Highway Flood Relief	1-28-38	2-28-38	2,000,000.00	2,000,000.00	.....	0.25
Highway Flood Relief	2-28-38	4-29-38	2,000,000.00	2,000,000.00	.....	0.35
Highway Flood Relief	4-29-38	6-28-38	2,000,000.00	2,000,000.00	.....	0.20
Highway Flood Relief	6-28-38	9-26-38	2,000,000.00	.....	\$2,000,000.00	0.112
State Board Welfare and Relief .....	6-30-38	6-30-38	700,000.00	700,000.00	.....	....
Total Temporary Loans Outstanding, June 30, 1938 .....					\$2,000,000.00	

(Period July 1, 1938 to December 31, 1938)					
Highway Flood Relief	6-28-38	9-26-38	\$2,000,000.00	\$2,000,000.00	0.112
Temporary Loan ....	7-15-38	10-17-28	1,600,000.00	1,600,000.00	0.10
Highway Flood Relief	9-26-38	12- 1-38	2,000,000.00	2,000,000.00	0.20
Department of Welfare	10-17-38	12- 1-38	250,000.00	250,000.00	0.15
Aerial Tramway Com- mission .....	10-17-38	12- 1-38	250,000.00	250,000.00	0.15
Highway Flood Relief	12- 1-38	4- 1-39	2,000,000.00	.....	0.089
Aerial Tramway Com- mission .....	11-30-38	2-28-39	250,000.00	.....	0.10
Department of Welfare	11-30-38	2-28-39	250,000.00	.....	0.10
State House Annex...	11-30-38	2-28-39	300,000.00	.....	0.10
Department of Welfare	12-16-38	3-16-39	250,000.00	.....	0.085
Temporary Loan ....	12-29-38	3-29-39	600,000.00	.....	0.081
Total Temporary Loans	Outstanding, December 31, 1938		.....	\$3,650,000.00	

control, with resulting increased efficiency in budget making, in legislation, and in administration.

Neither can we thoroughly appreciate the real nature of the financial questions which are before us unless we realize the effect upon the conduct and the cost of the state government of the great sums received in the form of Federal grants. The actual costs and requirements of our state government cannot be properly appraised unless the budget shows these revenues from the national government in their proper relationship to those raised within the state itself.

### Grants from Federal Government

The figures (given in Table III) show that, in the course of the year which ended on June 30, 1938, the state received from the United States Government a total of \$2,807,111 cash in grants of one kind or another.

This source of public revenue, monies granted to the state and disbursed through its treasury, is of great concern for us because the conditions under which the funds are accorded makes it necessary for the state to expend equally large sums in the form of departmental appropriations.

They have a considerable effect upon the costs of government in New Hampshire and, since they measurably influence the acts of the state government itself, they must be taken seriously into consideration in formulating financial policies.

Another phase of state finances which in a vital manner affects the preparation of the budget is the public debt. For your information, I am transmitting with this message, a complete summary (given in Table IV) of the bond and note debt; showing the amounts outstanding, authorized and unissued; the face value of bonds retired during 1938, and the schedule of interest charges and debt retirement for this year and during the coming biennium.

These figures will show that, on June 30, 1937, the net bond and note indebtedness of the state amounted

to \$11,331,282.30. In the course of the year which closed on June 30, 1938, a total of \$1,681,000 of state bonds had been retired. However, as a result of the 1936 flood emergency, it was found necessary to borrow \$2,000,000 for highway flood rehabilitation purposes.

This addition to the state debt, in the form of a short term note, more than offset the results of the state's rapid bond retirement policy and placed the net bond and note debt at \$11,342,015 as of June 30, 1938, or about \$10,700 greater than it was at the beginning of the year (as will be seen in Table V).

### **Bonds Authorized but Unissued**

The state entered the current year with \$3,522,000 in bond authorizations which it has not, as yet, found it necessary to utilize. Of this amount, \$1,278,000 represents bonds that were intended for use in financing flood control projects in the Merrimack and Connecticut River Valleys, in accordance with the terms of the interstate compacts executed by the Commonwealth of Massachusetts, and the States of Connecticut, Vermont, and New Hampshire.

On account of the present trend in negotiations with the Federal government relative to flood control, those bonds will never be issued.

Of these unissued bonds, also, a total of \$1,544,000 was intended to cover the construction costs of the aerial tramway, the Pittsburg conservation reservoir, the state house office building, the National Guard armory at Manchester, the jetties at Rye Harbor and improvements at the approaches to the John Sullivan bridge. However, at present all of these are being financed out of the proceeds of temporary loans.

It has been possible during the past two years to borrow money for these various purposes at extremely low rates of interest (as will be noted in Table VI). On the opening day of the last financial year, the state borrowed \$2,000,000 for ninety days at  $\frac{1}{2}$  of one per-



TABLE VII  
Condition of the Sinking Funds  
(As of June 30 Each Year)

	1938	1939	1940	1941
<b>GENERAL SINKING FUND</b>				
Balance forward .....	\$672,341.67	\$1,014,044.55	\$1,012,324.55	\$832,904.55
Income .....	2,091,772.66	1,845,000.00	1,860,000.00	1,890,000.00
Total .....	\$2,764,114.33	\$2,859,044.55	\$2,872,324.55	\$2,722,904.55
<b>Disbursements</b>				
Bond and Note Redemption .....	\$826,000.00	\$790,000.00	\$660,000.00	\$460,000.00
Interest .....	124,069.78	106,720.00	79,420.00	57,270.00
Transfers to General Fund .....	800,000.00	950,000.00	1,300,000.00	1,500,000.00
Total .....	\$1,750,069.78	\$1,846,720.00	\$2,039,420.00	\$2,017,270.00
Balance .....	\$1,014,044.55	\$1,012,324.55	\$832,904.55	\$705,634.55

## HIGHWAY SINKING FUND

Balance forward .....	\$624,456.97	\$646,501.61	\$713,626.61	\$793,626.61
Income .....	724,875.46	750,000.00	750,000.00	750,000.00

Total .....	\$1,349,332.43	\$1,396,501.61	\$1,463,626.61	\$1,543,626.61
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## Disbursements

Bond and Note Redemption .....	\$500,000.00	\$500,000.00	\$500,000.00	\$550,000.00
Interest .....	202,830.82	182,875.00	170,000.00	150,000.00

Total .....	\$702,830.82	\$682,875.00	\$670,000.00	\$700,000.00
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Balance .....	\$646,501.61	\$713,626.61	\$793,626.61	\$843,626.61
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## TRUNK LINE COMPLETION SINKING FUND

Balance forward .....	\$18,784.46	\$18,327.04	\$15,327.04	\$9,327.04
Income .....	29,542.58	27,000.00	24,000.00	24,000.00

Total .....	\$48,327.04	\$45,327.04	\$39,327.04	\$33,327.04
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## Disbursements

Bond Redemption .....	\$30,000.00	\$30,000.00	\$30,000.00	\$30,000.00
Interest (Paid by Highway Fund)				

Balance .....	\$18,327.04	\$15,327.04	\$9,327.04	\$3,327.04
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TABLE VII—CONCLUDED  
Conditions of the Sinking Funds  
(As of June 30 of Each Year)

	1938	1939	1940	1941
SPECIAL HIGHWAY SINKING FUND				
Balance forward .....	\$204,375.00	\$134,625.00	\$64,250.00	\$4,375.00
Income .....	265,875.00	260,000.00	260,000.00	235,250.00
Total .....	\$470,250.00	\$394,625.00	\$324,250.00	\$239,625.00
Disbursements				
Bond Redemption .....	\$300,000.00	\$300,000.00	\$300,000.00	\$225,000.00
Interest .....	35,625.00	30,375.00	19,875.00	14,625.00
Total .....	\$335,625.00	\$330,375.00	\$319,875.00	\$239,625.00
Balance .....	\$134,625.00	\$64,250.00	\$4,375.00	.....

## TOLL BRIDGES SINKING FUNDS

## John Sullivan Toll Bridge

Balance forward .....	\$179,284.75	\$237,420.38	\$296,170.38	\$305,170.38
Income .....	91,385.63	92,000.00	92,000.00	92,000.00

Total .....	\$270,670.38	\$329,420.38	\$388,170.38	\$397,170.38
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## Disbursements

Bond Redemption .....	.....	.....	\$50,000.00	\$50,000.00
Interest .....	\$33,250.00	\$33,250.00	32,375.00	30,625.00

Total .....	33,250.00	33,250.00	\$82,375.00	\$80,625.00
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Balance .....	\$237,420.38	\$296,170.38	\$305,795.38	\$316,545.38
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## Hampton Harbor Toll Bridge

Balance forward .....	\$63,574.93	\$82,022.70	\$101,422.70	\$121,322.70
Income .....	53,381.11	54,000.00	54,000.00	54,000.00

Total .....	\$116,956.04	\$136,022.70	\$155,422.70	\$175,322.70
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## Disbursements

Bond Redemption .....	\$25,000.00	\$25,000.00	\$25,000.00	\$25,000.00
Interest .....	9,933.34	9,600.00	9,100.00	8,600.00

Total .....	\$34,933.34	\$34,600.00	\$34,100.00	\$33,600.00
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Balance .....	\$82,022.70	\$101,422.70	\$121,322.70	\$141,722.70
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cent. The rate obtained thereafter on renewals of that loan, and on other borrowings, declined steadily until almost the last day of that year when the rate was a little more than 11/100ths of one percent. At that time, the state owed \$2,000,000 on these short-term notes.

Since last July, interest rates chargeable to the state have dropped still lower until, on December 29, a ninety-day loan of \$600,000 was negotiated at a rate of slightly more than 8/100ths of one percent, the lowest rate ever secured by the state.

### **Profiting from Low Interest Rates**

The securing of funds in this manner, has made it unnecessary to arrange for permanently financing these projects until such time as their completion makes actual costs known. In this way, we have been able to save to the state a considerable sum in interest charges on funds that otherwise would have been raised at the outset and held in idleness pending construction.

Following this policy has also made it possible for the state to finance these undertakings during the construction period at rates which approach the vanishing point, instead of paying comparatively high coupon rates on long term bonds. It is difficult to estimate the savings in dollars and cents which this practical method has generated but it is a very large sum.

On the last day of December, 1938, there were outstanding in short term obligations \$1,650,000 more than were outstanding at the beginning of the financial year. This increase was due mainly to the issuance of aerial tramway, state office building, Department of Welfare, and highway flood relief notes, for the eventual retirement of which provision has already been made without imposing an additional burden on the taxpayers of the state.

In the course of the present year, \$1,645,000 of state bond issues will be retired and the schedule of maturi-

ties provides for the redemption of \$1,565,000 in 1940 and \$1,340,000 in 1941, or a total of \$4,550,000 by June 30, 1941.

The six sinking funds in which funds for the service and retirement of the debt are collected were all in excellent condition at the beginning of the current financial year, and should move to even better positions in the course of the next two years (as will be seen in Table VII).

The Highway Sinking Fund, the Trunk Line Completion Sinking Fund, and the Special Highway Sinking Fund are each in a strong operating position, functioning automatically to extinguish the highway bonded indebtedness, and evidencing the dependability of the sources of revenue segregated for their purposes.

### **Projects Having Independent Revenues**

The John Sullivan Toll Bridge and the Hampton Harbor Toll Bridge Sinking Funds are in a class by themselves for not only are those two issues of bonds, totaling \$1,430,000 in face value, being retired out of income earned by the bridges but this is being done without diverting revenues which might be available for other purposes.

The fact is that if those two bridges had never been built the public revenues they now produce would never have come to the state. Therefore, we are justified in saying that these are outstanding instances of public enterprises which independently pay their own way. This is true also in the case of the \$8,800,000 of highway bond and note issues for they are being retired and serviced out of revenue which, by constitutional amendment, can be diverted to no other use. It is true also of the bonds to be issued to cover the costs of erecting the state house office building and the aerial tramway, when it becomes feasible to finance them in permanent form.

In other words, we are justified in thinking of those bond issues in a special way, apart from the others



which are a charge against general revenues. Viewed in that light, the actual net bonded and note debt of New Hampshire might be said to be only \$3,372,000.

Aside from that, New Hampshire's net bond and note debt is not large by comparison with that of other states. It is a little larger than that of Vermont but only 41 percent of the size of Maine's; about 45 percent of that of Rhode Island's; and a small fraction of the over-all state debt in Massachusetts. Connecticut, which two years ago had no bonded debt, now has outstanding a debt more than twice as large as New Hampshire's.

In debt-paying capacity, as gauged by the economic conditions prevailing among its people, our state ranks among the twelve highest rated states. In fact, when state and local debts in New Hampshire are related to its comparative debt-paying capacity it develops that, with the exception of Nevada, our state has the distinction of rating lowest of all in the scale of debt loads.

TABLE VIII

## Trend in Net Debt of the State

(As of June 30 Each Year)

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1932	.....	\$5,717,316.85
1933	.....	\$7,605,545.81
1934	.....	\$11,096,233.00
1935	.....	\$12,106,212.00
1936	.....	\$12,279,936.00
1937	.....	\$12,796,913.00
1938	.....	\$12,628,167.00

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The true index to the operations of these several sinking funds, as well as the General Fund, the Highway Fund, the Fish and Game Fund, the Capital Fund and other financial units in the treasury accounts, is

the figure representing the amount by which the sum total of all the money the state owes in one way or another exceeds the grand total of its assets in the form of cash, notes, taxes and various accounts due, as well as investments and inventories of all kinds.

This is the net debt. At the beginning of this fiscal year, it amounted to \$12,628,167.55, or \$168,746 less than it was on June 30, 1937. That year's operations marked the first reversal in the upward trend of the net debt since the establishment of the budget and comptroller system in 1931 (as will be noted in Table VIII).

New Hampshire is exceedingly fortunate in having maintained the affairs of its state government in such excellent order. The sense of security that is given by a knowledge of these facts relative to its debt and the machinery which was set up by previous legislatures for retiring it should make us even more firmly resolved to maintain and even to better the high standards which now prevail.

### III. THE STATE'S REVENUES

The state government is the agency through which the people of New Hampshire accomplish many things which in their judgment can better be done publicly by collective action than privately by groups or individuals.

The government possesses no wealth independently of the people and, of course, has no income other than the revenues it collects by authority of the people. Their wealth and income, as they vary in accordance with ever-changing economic circumstances, are the dependable indexes of the financial resources of the government.

Public revenue in the form of taxes, like the receipts from business enterprises, like life itself and everything that it includes, is constantly changing. Some of

TABLE IX  
TRENDS IN UNRESTRICTED REVENUES  
(Fiscal Years Ending June 30)

Source	1934	1935	1936	1937	1938
General Property Taxes ...	\$2,141,719.97	\$2,107,238.52	\$2,348,733.43	\$2,461,792.09	\$2,465,964.81
Special Taxes .....	404,580.17	288,103.37	437,540.39	541,706.76	640,284.41
Business License Taxes ...	407,232.95	426,340.02	749,613.97	896,814.11	924,030.75
Non-Business License Taxes	6,755.00	4,860.00	4,810.00	5,195.00	5,911.07
Fees .....	27,632.63	30,943.60	32,470.58	34,944.65	31,709.51
Fines, Penalties, Forfeits and Escheats .....	3,597.68	1,968.69	2,588.30	4,642.17	2,710.98
Subventions and Grants from U. S. ....	2.73	.....	.....	2,679.65	.....
Rents and Leases .....	.....	30.00	.....	.....	.....
Interest, Premium and Dis- count .....	114,843.41	65,737.66	17,455.11	17,358.08	17,261.62
Sale of Commodities .....	4,639.56	3,959.81	5,597.89	5,155.15	10,240.30
Sale of Services .....	82,687.47	85,230.71	90,327.45	92,968.94	102,262.35
Miscellaneous .....	.....	.....	.....	8.35	3,090.00
Total .....	\$3,193,691.57	\$3,014,412.38	\$3,689,137.12	\$4,063,264.95	\$4,203,465.80

TABLE IX—CONCLUDED  
TRENDS IN UNRESTRICTED REVENUES  
(Fiscal Years Ending June 30)

Source	1934	1935	1936	1937	1938
State Tax .....	\$1,277,396.97	\$1,275,957.01	\$1,473,423.78	\$1,572,917.20	\$1,573,044.16
General Property Taxes .....	864,323.00	831,281.51	875,309.65	888,874.89	892,920.65
Special Taxes .....	404,580.17	288,103.37	437,540.39	541,706.76	640,284.41
Business License Taxes .....	407,232.95	426,340.02	749,613.97	896,814.11	924,030.75
Non-Business License Taxes .....	6,755.00	4,860.00	4,810.00	5,195.00	5,911.07
Fees .....	27,632.63	30,943.60	32,470.58	34,944.65	31,709.51
Fines, Penalties, Forfeits and Escheats .....	3,597.68	1,968.69	2,588.30	4,642.17	2,710.98
Subventions and Grants from U. S. ....	2.73	.....	.....	2,679.65	.....
Rents and Leases .....	.....	30.00	.....	.....	.....
Interest, Premium and Dis- count .....	114,843.41	65,737.66	17,455.11	17,358.08	17,261.62
Sale of Commodities .....	4,639.56	3,959.81	5,597.89	5,155.15	10,240.30
Sale of Services .....	82,687.47	85,230.71	90,327.45	92,968.94	102,262.35
Miscellaneous .....	.....	.....	.....	8.35	3,090.00
Total .....	\$3,193,691.57	\$3,014,412.38	\$3,689,137.12	\$4,063,264.95	\$4,203,465.80

TABLE X  
TRENDS IN GENERAL SINKING FUND REVENUES  
(Fiscal Years Ending June 30)

Source	1934	1935	1936	1937	1938
Special Taxes .....	\$353,627.68	\$175,950.40	\$164,881.96	\$296,147.18	\$375,120.28
Business License Taxes ....	663,587.66	1,638,828.97	496,650.35	514,304.65	785,355.17
Fines and Penalties .....	300.81	.....	.....	.....	412.04
Interest, Premium and Dis- count .....	5,548.78	.....	1,374.05	3,012.79	790.89
Sale of Commodities .....	.....	.....	639,423.53	858,733.29	930,094.28
Total .....	\$1,023,064.93	\$1,814,779.37	\$1,302,329.89	\$1,672,197.91	\$2,091,772.66

these variations are sudden in character, fortunately comprising the least substantial types of levy, but because they usually result from deliberate changes in state policy they permit corrective measures to be taken in good season.

Other changes develop so gradually that their onset is not apparent until they are well in progress. Because these changes seriously affect sources of revenue upon which the state most heavily depends, every effort must be made to detect the beginnings of such trends.

A study of the tendencies in recent years (as shown in Tables IX and X) discloses, even in so brief a period as five years, the occurrence of significant variations in well-established sources of public revenue. Certain revenues which have been available only during recent years have grown rapidly while others which heretofore have been regarded as relatively stable have begun to point to lower yields. A case in point is the railroad tax, which began its downward course some years ago (as will be seen from Table XI).

### **Shrinking Returns from Railroad Tax**

In 1934, this tax yielded the state \$538,685, not including that portion which was distributed to the towns. By 1938, the state's share had dropped to \$504,906 and, this year, the figure will probably not exceed \$400,000.

This tax is based upon the market value of railroad securities and hence is reflecting the extremely uncertain plight in which railroads everywhere find themselves.

In attempting conservatively to estimate the revenues that will be available to the state from this source in the next two years, we are obliged to conclude that the yield from the railroad tax in 1940 and 1941 will sink to a somewhat lower level than that of 1939. The state will be forced to find compensating



TABLE XII  
SUMMARY OF UNRESTRICTED REVENUES  
Not Including the Direct State Tax  
(Fiscal Years Ending June 30)

Title	1938	1939	1940	1941
<b>General Property Taxes:</b>				
Railroad Companies .....	504,906.44	\$417,963.62	\$395,000.00	\$390,000.00
Telegraph Companies .....	8,797.80	8,500.00	8,600.00	8,700.00
Telephone Companies .....	368,071.99	370,000.00	370,000.00	375,000.00
Express Companies .....	2,966.70	2,900.00	2,900.00	2,900.00
Parlor and Dining Car Co's. ....	3,580.50	3,500.00	3,500.00	3,500.00
Transportation Companies .....	4,597.22	5,000.00	4,600.00	4,600.00
Total .....	\$892,920.65	\$807,863.62	\$784,600.00	\$784,700.00
<b>Special Taxes:</b>				
Legacy Tax .....	\$631,004.03	\$600,000.00	\$600,000.00	\$600,000.00
Transfer Tax .....	1,432.13	1,200.00	1,300.00	1,300.00
Corporate Records .....	5,883.25	5,900.00	6,000.00	6,000.00
Admission Fees—Insurance .....	1,965.00	1,000.00	2,000.00	2,000.00
Total .....	\$640,284.41	\$608,100.00	\$609,300.00	\$609,300.00

<b>Business License Taxes:</b>			
Beer Taxes .....	\$393,274.60	\$395,000.00	\$400,000.00
Foreign Insurance Co's. ....	419,742.84	420,000.00	432,000.00
Domestic Insurance Co's. ....	34,111.09	35,000.00	35,000.00
Foreign Ins. Co's. Annual .....	16,481.35	16,500.00	16,500.00
Insurance Agents .....	15,919.00	16,000.00	16,000.00
Insurance Brokers .....	7,545.95	7,500.00	7,500.00
Corporate Franchise .....	15,441.26	15,500.00	16,500.00
Milk Control .....	7,525.00	10,000.00	10,000.00
Other .....	13,989.66	14,000.00	15,000.00
<b>Total .....</b>	<b>\$924,030.75</b>	<b>\$936,500.00</b>	<b>\$948,500.00</b>
<b>Non-Business License Taxes:</b>			
Justice of Peace .....	\$3,221.07	\$3,000.00	\$2,600.00
Notaries Public .....	2,690.00	2,700.00	2,800.00
<b>Total .....</b>	<b>\$5,911.07</b>	<b>\$5,700.00</b>	<b>\$5,400.00</b>
<b>Fees:</b>			
Bulletin—Agriculture .....	\$3,163.61	\$3,250.00	\$3,350.00
Applications, Qualifications, and Examinations .....	1,647.00	2,000.00	2,500.00
Miscellaneous—Insurance .....	997.77	1,000.00	1,000.00
Filing Corporate Records .....	10,161.00	11,000.00	11,500.00
Miscellaneous—State Department .....	1,944.60	2,000.00	2,000.00
Testing—Agriculture .....	13,795.53	14,000.00	15,000.00
<b>Total .....</b>	<b>\$31,709.51</b>	<b>\$33,250.00</b>	<b>\$35,500.00</b>

TABLE XII—CONCLUDED  
SUMMARY OF UNRESTRICTED REVENUES

Not Including the Direct State Tax  
(Fiscal Years Ending June 30)

Title	1938	1939	1940	1941
Fines, Penalties:				
Court .....	\$28.64	\$30.00	\$30.00	\$30.00
Legacy .....	2,534.83	2,500.00	2,500.00	2,500.00
Transfer .....	10.15	50.00	50.00	50.00
Other .....	137.36	125.00	125.00	125.00
Total .....	\$2,710.98	\$2,705.00	\$2,705.00	\$2,705.00
Interest, Premium and Discount:				
Interest, Benj. Thompson .....	\$14,825.25	\$14,825.00	\$14,825.00	\$14,825.00
Interest, John Nesmith .....	2,430.12	2,430.00	2,430.00	2,430.00
Interest, Current Deposits .....	6.25	.....	.....	.....
Total .....	\$17,261.62	\$17,255.00	\$17,255.00	\$17,255.00

Sale of Commodities:				
Bank Reports .....	\$45.75	\$50.00	\$50.00	\$50.00
Publications—State .....	2,024.06	2,200.00	2,300.00	5,800.00
Publications—Public Service Commission ..	311.15	700.00	500.00	500.00
Nursery Stock—Forestry .....	3,223.30	3,300.00	3,500.00	3,500.00
Other .....	4,636.04	4,500.00	4,500.00	4,500.00
Total .....	\$10,240.30	\$10,750.00	\$10,850.00	\$14,350.00
Sale of Services:				
Board—State Hospital .....	\$90,735.30	\$90,000.00	\$91,000.00	\$92,000.00
Indigent—State Hospital .....	3,540.40	3,600.00	3,600.00	3,600.00
Board—Sanatorium .....	1,954.41	2,000.00	2,000.00	2,000.00
Board—Laconia State School .....	5,754.74	5,500.00	5,500.00	5,500.00
Other .....	277.50	250.00	250.00	250.00
Total .....	\$102,262.35	\$101,350.00	\$102,350.00	\$103,350.00
Other Revenues:				
War Service Recognition .....	\$3,090.00	.....	.....	.....
TOTAL REVENUE .....	\$2,630,421.64	\$2,516,473.62	\$2,504,310.00	\$2,521,060.00

TABLE XIII  
GENERAL SINKING FUND REVENUES  
(Fiscal Years Ending June 30)

Title	Actual 1938	Estimated 1939	Estimated 1940	Estimated 1941
Income:				
Estate Taxes .....	\$231,777.49	\$139,000.00	\$139,000.00	\$139,000.00
Gas and Electric Utilities .....	143,342.79	150,000.00	155,000.00	160,000.00
Beer Taxes and Licenses .....	266,360.18	265,000.00	265,000.00	265,000.00
Pari-Mutuel Tax and License .....	518,994.99	350,000.00	350,000.00	350,000.00
State Liquor Stores .....	930,094.28	940,000.00	950,000.00	975,000.00
Interest on Estate Taxes .....	790.89	1,000.00	1,000.00	1,000.00
Total .....	\$2,091,772.66	\$1,845,000.00	\$1,860,000.00	\$1,890,000.00

revenues amounting to about \$105,000 in 1940 and \$110,000 in 1941. That condition has been recognized in framing the budget and provision made to meet it.

**TABLE XI**  
**Trend in Railroad Taxes**  
(As of June 30 Each Year)

Fiscal Year	Total Collected	State's Share
1934 .....	\$773,821.02	\$538,685.30
1935 .....	726,575.51	501,630.93
1936 .....	726,976.04	502,467.31
1937 .....	728,954.44	506,414.79
1938 .....	723,640.79	504,906.44
1939 .....	597,396.81	417,963.62

If we examine the figures for the past few years, we shall see that generally there has been a moderate but steady increase in most classes of unrestricted revenues. In the group of general property taxes, however, there has been a gradual falling off in total receipts due to the decline in railroad taxes, to which I have just referred.

It has been estimated that unrestricted revenues in 1940 will (as shown in Table XII) approximate \$2,504,000 or slightly less than the partly actual, partly estimated figures for this year, and \$2,521,000 in 1941 or somewhat greater than the present year.

Turning now to restricted revenues, or those which are segregated for the purposes of the General Sinking Fund, we observe a generally upward tendency. Thus, in 1934, total income from these sources amounted to \$1,023,000; in 1937, to \$1,672,000 and, in 1938, to \$2,091,000.

It is conservatively estimated that General Sinking Fund revenues for this year will total about \$1,845,000 (as shown in Table XIII) but there are strong probabilities that they will grow moderately



during the next two years. Accordingly, the budget has been prepared upon the assumption that restricted revenues will approximate \$1,860,000 in 1940 and \$1,890,000 in 1941.

In attempting to predict the probable income to the state from taxes which depend upon the future course of business, upon the attitudes of the public, and upon the unknowables which affect such levies as the legacy tax, every effort has been made to keep the figures within limits dictated by prudence.

I mention this particularly because your review and approval of the estimates of revenue during the next two years are just as important as your similar action in connection with proposed expenditures.

### Estimates Should Be Conservative

The policies which we follow in deciding these matters vitally affect the sense of confidence and faith which are the foundation principles upon which the public credit is built. The state must have the respect, not only of the financial markets in connection with its requirements of borrowed capital, but of all its citizens in everything that pertains to the conduct of their government.

To retain this we must, among many other things, be reasonable in estimating the probable income that will be available to meet proposed expenditures; not being over-optimistic nor yet too pessimistic, but using figures which we may fairly hope to see realized. That is the basis upon which the revenue estimates embodied in this budget have been developed.

They were arrived at in the same manner used in determining those presented to you two years ago. Time has demonstrated that the figures used then were ultra-conservative and it is believed that the present estimates will prove likewise.

#### IV. PROPOSED EXPENDITURES

All that I have said so far relates to the income side of the budget. We have now to discuss the use to which it is proposed to put this income.

The Legislature of 1937 appropriated a total of \$5,023,724 for the year ending June 30, 1938, and \$4,766,625 for the current year. Actual expenditures for the first of those years amounted to \$4,949,030 and it is estimated that expenditures this year will approximate \$4,813,305.

For the coming two years, the state is faced with many demands for the outlay of money in addition to present expenditures. Some of these requests are reasonable; others manifestly are not.

In my budget message of two years ago, I criticized the practice of submitting departmental estimates for the budget which seemingly were prepared without considering the source of the additional revenues required.

##### Unreasonable Budgetary Requests

While, this year, most of the estimates show that the economic condition of the people of the state and the needs of the government as a whole were generally taken into account in requesting funds for the next two years, there still is evidence that some responsible state officials regard their departments as independent agencies entitled to expand without limit.

The grand total of budget requests furnished me was 16 percent greater for 1940 than appropriations for 1939 and 21 percent greater for 1941.

While government must go on and we must be prepared for a steady and moderate growth in costs, conditions in New Hampshire surely do not warrant advancing them by more than three-quarters of a million dollars next year and by more than a million dollars in the year following. Accordingly, many of the ap-

TABLE XIV

## SUMMARY OF EXPENDITURES, APPROPRIATIONS AND RECOMMENDED APPROPRIATIONS

(Fiscal Years Ending with June 30)

	1938 Actual Expenditures	1939 Actual Appropriation	1939 Estimated Expenditures	1940 Recommended Appropriations	1941 Recommended Appropriations
Legislative .....	\$87,820.22	\$135,000.00	\$135,000.00	\$135,000.00	\$135,000.00
Constitutional Convention ..	45,239.72	.....	6,400.00	.....	.....
Executive .....	* 31,188.84	70,050.00	70,050.00	82,665.00	83,265.00
Supreme Court .....	48,779.93	46,300.00	46,250.00	47,150.00	47,150.00
Superior Court .....	49,548.24	50,000.00	50,000.00	50,790.00	50,790.00
Probate Court .....	37,900.00	37,900.00	37,900.00	37,900.00	37,900.00
Adjutant General .....	87,553.65	91,735.00	91,535.00	101,510.00	101,610.00
Department of Agriculture ..	206,616.70	214,760.00	214,100.00	164,464.00	172,467.00
Attorney General .....	24,785.95	30,330.00	30,330.00	29,480.00	29,980.00
Comptroller .....	29,157.45	31,715.00	32,787.50	35,612.50	34,897.50
Forestry and Recreation ..	73,419.22	73,698.00	73,698.00	84,518.00	84,274.00
G. A. R. ....	609.78	650.00	650.00	625.00	625.00
Insurance .....	19,205.00	17,305.00	21,605.00	22,550.00	22,900.00
Bureau of Labor .....	51,115.03	54,336.00	54,336.00	54,775.00	55,525.00
Purchasing Agent .....	14,011.67	14,950.00	14,950.00	14,860.00	15,010.00
State Department .....	25,657.63	36,687.95	41,490.97	29,665.00	44,989.00
State House .....	71,054.55	67,612.00	67,612.00	76,817.88	68,604.00
State Library .....	30,540.59	24,731.00	25,343.08	21,481.00	21,806.00
State Police .....	172,579.18	160,000.00	174,708.92	209,140.88	224,690.88
Treasury .....	79,714.57	80,938.98	80,938.98	79,138.98	79,776.48
Weights and Measures ....	18,694.18	18,225.00	20,805.00	18,735.00	18,455.00
University of New Hamp- shire .....	584,431.10	584,431.10	584,431.10	589,390.50	589,390.50
Industrial School .....	87,010.46	91,163.00	91,028.00	91,375.00	91,585.00
Laconia State School ....	192,410.36	210,002.00	211,575.00	205,899.00	210,023.00
State Hospital .....	793,688.09	801,278.30	798,150.06	844,821.10	857,487.70
Soldiers' Home .....	30,598.13	32,000.00	32,000.00	32,000.00	32,000.00

TABLE XIV—CONCLUDED

	1938 Actual Expenditures	1939 Actual Appropriation	1939 Estimated Expenditures	1940 Recommended Appropriations	1941 Recommended Appropriations
State Prison .....	119,062.67	126,580.00	126,580.00	134,817.50	134,867.50
State Sanatorium .....	87,707.93	84,801.00	84,801.00	96,276.00	92,341.00
Board of Education .....	438,572.75	439,674.42	439,674.42	459,694.54	462,465.54
Board of Health .....	84,301.79	85,725.00	85,725.00	98,522.00	99,037.00
Public Welfare .....	985,955.98	637,310.00	655,813.94	832,552.15	1,071,331.60
John Nesmith Fund .....	3,075.00	3,700.00	3,700.00	3,700.00	3,700.00
Bank Commission .....	40,201.50	42,688.00	42,688.00	41,358.00	41,158.00
Cancer Commission .....	29,515.94	35,000.00	35,000.00	35,000.00	35,000.00
Planning and Development Commission .....	104,113.85	107,946.50	104,745.00	117,613.00	118,413.00
Public Library Commission .....	15,529.78	14,605.00	14,605.00	25,970.00	31,670.00
Public Service Commission .....	65,580.00	67,095.00	67,095.00	66,451.68	68,831.65
Tax Commission .....	30,977.66	39,700.00	39,700.00	41,825.00	40,675.00
Milk Control Board .....	10,954.77	12,000.00	12,000.00	12,000.00	12,000.00
Probation Board .....	11,735.22	25,000.00	25,319.33	36,200.00	44,100.00
Water Resources Board ..	4,089.79	34,209.52	33,409.52	34,512.00	35,012.00
Pharmacy Commission .....	2,712.53	3,000.00	3,000.00	3,000.00	3,000.00
Dental Board .....	262.33	350.00	350.00	350.00	350.00
Board of Optometry .....	776.87	743.00	725.00	735.00	735.00
Board of Chiropractors ...	512.17	600.00	600.00	600.00	600.00
Reg. of Veterinary Surgeons .....	62.05	100.00	100.00	100.00	100.00
Arts and Crafts Commis- sion .....	9,999.42	10,000.00	10,000.00	10,000.00	10,000.00
Teachers' Retirement Board .....	10,000.00	20,000.00	20,000.00	33,000.00	38,000.00
Total .....	\$4,949,030.24	\$4,766,625.77	\$4,813,305.82	\$5,144,640.71	\$5,453,588.35

\* Does not include \$34,130.57 transferred from Emergency Fund to other departments and purposes.

TABLE XV  
DIFFERENCE BETWEEN ACTUAL APPROPRIATIONS FOR 1939  
AND THOSE RECOMMENDED FOR 1940 AND 1941

Department	1940		1941	
	Increase	Decrease	Increase	Decrease
Legislative .....	.....	.....	.....	.....
Executive .....	\$12,615.00	.....	\$13,215.00	.....
Supreme Court .....	850.00	.....	850.00	.....
Superior Court .....	790.00	.....	790.00	.....
Probate Court .....	.....	.....	.....	.....
Adjutant General .....	9,775.00	.....	9,875.00	.....
Department of Agriculture .....	.....	*\$50,296.00	.....	*\$42,293.00
Attorney General .....	.....	850.00	.....	350.00
Comptroller .....	3,897.50	.....	.....	.....
Forestry and Recreation .....	10,820.00	.....	3,182.50	.....
G. A. R. ....	.....	25.00	10,576.00	.....
Insurance .....	5,245.00	.....	.....	25.00
Bureau of Labor .....	439.00	.....	5,595.00	.....
Purchasing Agent .....	.....	.....	1,189.00	.....
State Department .....	.....	90.00	60.00	.....
State House .....	9,205.88	7,022.95	8,301.05	.....
State Library .....	.....	.....	992.00	.....
State Police .....	49,140.88	3,250.00	.....	2,925.00
Treasury .....	.....	1,800.00	64,690.88	.....
			.....	1,162.50

\* Includes no funds for Bang's Disease eradication.

Weights and Measures .....	510.00	.....	.....	.....
University of New Hampshire .....	4,959.40	.....	.....	.....
Industrial School .....	212.00	.....	.....	.....
Laconia State School .....	.....	4,103.00	.....	.....
New Hampshire State Hospital .....	43,542.80	.....	.....	.....
Soldiers' Home .....	.....	.....	.....	.....
State Prison .....	8,237.50	.....	.....	.....
State Sanatorium .....	11,475.00	.....	.....	.....
Board of Education .....	20,020.12	.....	.....	.....
Board of Health .....	12,797.00	.....	.....	.....
Public Welfare .....	195,242.15	.....	.....	.....
John Nesmith .....	.....	.....	.....	.....
Bank Commission .....	.....	1,330.00	.....	1,530.00
Cancer Commission .....	.....	.....	.....	.....
Planning and Development Commission .....	9,666.50	.....	.....	.....
Public Library Commission .....	11,365.00	.....	.....	.....
Public Service Commission .....	.....	643.32	.....	.....
Tax Commission .....	2,125.00	.....	.....	.....
Milk Control .....	.....	.....	.....	.....
Board of Probation .....	11,200.00	.....	.....	.....
Water Resources .....	302.48	.....	.....	.....
Pharmacy Commission .....	.....	.....	.....	.....
Dental Board .....	.....	.....	.....	.....
Board of Optometry .....	.....	8.00	.....	8.00
Board of Chiropractors .....	.....	.....	.....	.....
Board of Veterinary Surgeons .....	.....	.....	.....	.....
Arts and Crafts Commission .....	.....	.....	.....	.....
Teachers' Retirement Board .....	13,000.00	.....	.....	.....
Total .....	\$447,433.21	\$69,418.27	.....	\$48,293.50
				\$735,256.08



appropriations as proposed have been severely revised downward.

In this budget, I am submitting for your approval, (as will be seen from Table XIV), total appropriations amounting to \$5,144,640.71 for 1940 and \$5,453,588.35 for 1941. These represent increases of 8 percent and 14 percent, respectively, over appropriations for the present year (as will be noted in Table XV), rates of increase which I do not consider to be unreasonable under all the circumstances.

Of the \$378,015, by which the recommended appropriations for 1940 exceed those of this year, more than \$303,747 represents the increased costs of maintaining the several state institutions having to do with the care and treatment of the mentally, morally or physically unfortunate; the heavier expenditures on account of public assistance, and funds needed for additional facilities for the protection of life and property.

The Industrial School, the State Hospital, the Prison, and the Glenclyff Sanatorium together account for \$63,467 of these total increases in costs.

TABLE XVI  
TREND IN POPULATION OF STATE INSTITUTIONS  
(As of December 31 Each Year)

	1934	1935	1936	1937	1938
State Hospital . . . . .	1954	1966	2002	2081	2144
State Prison . . . . .	229	228	257	262	269
Laconia School . . . .	570	580	566	564	611
Industrial School . . .	131	147	136	157	196
Glenclyff Sanatorium.	93	99	102	107	109

There can be no hesitation over the providing of whatever additional funds these great humanitarian agencies of the state may need to meet their growing requirements. In their record of inmate population

growth, we regretfully find ample evidence of the damages which this nerve trying age of ours works upon the human body and mind and soul.

Since many of the ailments which inflict people may be blamed on society itself, the state must be prepared to care for those of its members who cannot bear the strain of modern life, whatever the costs may be.

In the last four years alone, (as Table XVI shows), the population of the State Hospital grew by 10 percent, the State Prison by 17 percent, the Laconia School by 7 percent, the Industrial School by nearly 50 percent, and the Sanatorium by more than 17 percent.

The only opportunity for lessening the steepness of the grade of climbing costs at those institutions lies in the devising of ways for securing greater efficiency in operation and not by entertaining any ideas of radical economies which do not reckon with advancing requirements for feeding, housing and caring for greater numbers each year.

### Expansion of Protective Service

The times in which we live make it necessary for government in all levels to provide more effective protection for life and property. Accordingly, arrangement has been made for moderate increase in each of the next two years in the personnel and the facilities of the State Police.

The sense of security which this new safety arm of the state has brought to the sparsely settled sections can only be fully appreciated by those who, until a year and a half ago, never knew what it was to have regular police protection of the type to which those who dwell in our large centers have become accustomed by long experience.

It seems to me that slight additional expenditures for the up-building of this department will be rewarded by comparatively large savings in our great annual

bill of crime costs, to say nothing of the greater peace of mind and the comfort that will result to the people.

Among the various increases in costs which confront the state, it is the item of public assistance that accounts for the greater part of the recommended larger appropriations. This phase of the state's activities is so important that I shall discuss it in some detail.

The Department of Public Welfare, successor to the Board of Welfare and Relief, has been in existence only since July 1, 1938. We are not able with exactness, to compare the costs of the two organizations item by item because of the radical difference between the old and the new relief laws, changed responsibilities, and altered methods of administration.

### Changes in State Responsibilities

Prior to July last year, the state, through its welfare and relief divisions, undertook to supervise the administration by local officials of direct relief, old age assistance and blind aid. It also was responsible for the administration of the Mothers' Aid program and other welfare responsibilities, such as work with dependent and neglected children, blind service, sight conservation and other features of the general social security program.

Since July 1, a great change has taken place in the welfare activities of the state. It has withdrawn entirely from direct relief. It has assumed the administration of old age assistance and blind aid, besides carrying on all the regular welfare programs.

Meanwhile, the state's share in the costs of public assistance has been steadily growing. The existing age limit for old age assistance will be lowered from 70 to 65 years on January 1, 1940, and the state is permitted no discretion in making provision for this change for it occurs in accordance with the Social

Security Act, as well as pursuant to our own statute.

By conservative estimate the burden of costs upon the state for this form of aid will have increased by 65 percent by June 30, 1941, the end of the biennium for which this General Court is appropriating funds.

In addition to this, we are facing a serious need for additional funds for the conduct of Mothers' Aid or aid to dependent children, for the money now available does not permit the state to fulfill its duty toward 280 applicants, with 700 dependent children, who have applied for this help but who must be kept on a waiting list.

The inability of the state to provide for these mothers throws most of them upon direct relief and, hence, imposes a heavy burden upon the cities and towns which, at the present average monthly rate of \$29.51 per-family-direct-relief-case, amounts to a monthly total of about \$8,260 or \$99,120 annually.

### **Mothers' Aid Cases Serious Problem**

Since the preparation of the budget estimates, this situation has been further complicated by the action of the Works Progress Administration, under a national order, in dropping from its project rolls, as of January 31, all persons who are eligible for old age assistance or for Mothers' Aid.

The old age assistance cases involved can probably be absorbed by the present financial resources of the Department of Welfare but that cannot be done for the additional Mothers' Aid cases, numbering 233, created by the federal order. The only form of public aid open to them is direct relief which would mean a possible addition to the relief load on the towns and counties of \$6,875 a month or \$82,500 annually, in addition to that which they already are bearing.

There will necessarily be increased departmental costs in consequence of these developments in the old

age assistance and Mothers' Aid programs. Additional clerical help in several divisions; the assignment of more visitors with resulting travel, communication and supervisory service; increased equipment and supplies, all of these are the necessary companions of an increased public assistance load and provision must necessarily be made for them in the appropriations.

As a result, it has been found needful to recommend an appropriation for public assistance of \$832,552 in 1940, or \$195,242 more than this year, and \$1,071,331 for 1941, or \$238,779 more than for 1940. This is a tremendous burden, but one which I am sure the people are willing to assume.

### **Bang's Disease Eradication**

Before leaving the subject of expenditures, there is another matter to which I wish to make special reference. That is the problem of combating infectious and contagious diseases among farm livestock, particularly the elimination of Bang's disease.

As you know, at the last session, following a discussion of the relative merits of a short but intensive campaign of eradication and a more leisurely program extending over a period of some years, the sum of \$64,000 was appropriated for this purpose last year, and a like sum for the present year.

Following last Fall's statutory conferences on the budget, it was decided that no request for an appropriation for Bang's disease would be approved for 1940 or 1941 since there seemed to be a feeling that the nature of the eradication program ought to be considered again, and a definite plan fixed by the legislature.

Should it be decided that the campaign will be brief, then arrangements will have to be made to finance these operations by means of a small bond issue. Otherwise, a sum not greater than that appropriated



for each of the last two years should be included for this purpose in the budget of the department of agriculture for the years 1940 and 1941.

If you decide to follow the latter course, the budget will still remain in balance, for the conservatively estimated surplus for the biennium, together with estimated appropriation lapses, will be amply large to cover expenditures for Bang's disease at the present rate.

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Finally, relative to expenditures generally, I wish to point out that no appropriations have been approved for items of departmental rent in the budget because those amounts must await exact determination by the committee now engaged in studying space allotments in the new state house office building.

Simply by way of offsetting the omission of rentals from their normal location in departmental budget estimates, an item of \$30,000 annually has been included in the budget summary.

Furthermore, in order to complete the accounting of proposed expenditures, the sum of \$40,000 has been included for 1940 and \$35,000 for 1941 to cover the probable costs of providing light, heat, janitor service, and other expenses pertaining to the operation of the state office building, when ready for occupancy.

I am transmitting, as appendixes to this message, itemized budgets approved for each institution, department or other agency of the state, together with appropriation bills for the years 1940 and 1941, in accordance with the law, designed to put into effect the financial program embodied in the budget.

## V. BALANCING THE BUDGET

From this summary of proposed expenditures in the ensuing biennium, it is clear that all the public services of the state will be maintained and in some in-



stances slightly expanded during these coming two years, with very little need for additional funds, mainly as a result of efficiency in institutional administration.

It is evident, too, that were it not for the decline of more than \$100,000 in railroad taxes; an increase of nearly \$200,000 in the costs of public assistance; and more than \$60,000 in added maintenance costs in various state institutions, next year alone, we could probably manage to balance the budget by use of no other revenues save those already available to us.

There may be, in the world, those whose magic enables them to give the dollar purchasing power beyond that given it under our monetary system but, unfortunately, I know of no way by which the State of New Hampshire can possibly meet unavoidable additional expenses without finding additional money to pay the bills.

Besides the need for increased appropriations in the next two years, there is the problem of unavoidable deficiencies. Were it not for the extra costs created by last year's Constitutional Convention, and extraordinary expenditures, such as those made by the National Guard, the Department of Forestry and Recreation and other branches of the government in connection with the protection of life and property during the flood and windstorm of last September, the state would close the present fiscal year with a surplus of about \$45,000.

### Effect of Unexpected Expenditures

As it has developed, these unexpected expenditures, estimated at about \$50,000, for which no regularly appropriated funds were available, will result in an emergency budget deficit, as of June 30, this year, of approximately \$5,263.

All of these proposed expenditures total \$5,219,903.76

TABLE XVII  
GENERAL SUMMARY OF THE BUDGET  
For the Biennium 1940-1941

	1940	1941
<b>Expenditures</b>		
Estimated Budget Deficit July 1, 1939, resulting from decline in railroad taxes, hurricane and flood damages, etc. ....	\$5,263.05	.....
Recommended Appropriations .....	5,144,640.71	\$5,453,588.35
Estimated Appropriation for rent of departments in new State Office Building .....	30,000.00	30,000.00
Estimated Appropriations for maintenance of new office building, including heat, light, janitor services, etc. ....	40,000.00	35,000.00
Total Requirements .....	\$5,219,903.76	\$5,518,588.35
<b>Income</b>		
Budget surplus carried forward from 1940 .....	.....	\$59,406.24
Unrestricted revenue .....	\$2,504,310.00	2,521,060.00
Transfer from Highway Fund for State Police .....	150,000.00	150,000.00
Transfer from General Sinking Fund for general purposes .....	1,300,000.00	1,500,000.00
Direct state tax .....	800,000.00	800,000.00
New tax on cigarettes .....	525,000.00	525,000.00
Total Income .....	\$5,279,310.00	\$5,555,466.24
Budget Surplus .....	\$59,406.24	\$36,877.89

for the year 1940 and \$5,518,588.35 for the year 1941, (as shown in Table XVII). On the other hand, estimated unrestricted income available totals \$2,504,310 for 1940 and \$2,521,060 for 1941.

To complete the revenue totals, I recommend that, as in the present biennium, \$150,000 be transferred from the Highway Fund to the General Fund in each of the next two years, in partial support of the department of State Police. I further recommend that for general purposes an additional sum of \$900,000 be transferred in 1940 from the General Sinking Fund to the General Fund and \$1,100,000 in 1941.

Before concluding this reference to the General Sinking Fund, I wish to comment in a few words upon the manner in which it has operated for the benefit of the state during the past two years.

In connection with welfare and relief operations last year \$900,000 in notes were issued. These have all been retired, together with \$100,000 of the welfare and relief notes authorized to cover expenditures during the administration of Governor Bridges, leaving but \$500,000 of these latter yet to be issued and paid.

During the present year notes totalling \$750,000 will be issued, but by June 30, we shall have retired all of those obligations so that, to the great credit of the state, it can then be said that our activities in the field of public assistance during the biennium which is drawing to a close were financed as an operating cost and paid for out of current revenue, rather than, as previously, out of money borrowed on bonds and notes.

### **Welfare Costs an Operating Expense**

This practice, which I so strongly urged upon the last General Court in my budget message, has proved most effective. By paying our welfare costs as we go

along, the State of New Hampshire has placed itself in a position of distinction among all the states.

It is my recommendation that, since public assistance is no longer an emergency problem but seemingly one of permanent nature, we steadfastly adhere to the present policy of meeting the costs of relief just as we do any other regular operating cost of the government.

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If the direct state tax is retained at its present figure, \$1,200,000, during each of the next two years, approximately \$525,000 will be required annually to balance the budget as presented to you today.

That sum I recommend be raised by the imposition of a tax upon cigarettes levied at the rate of one cent for each ten cents or fraction thereof of the retail sales price.

At the present time, twenty-one states have such taxes, including Connecticut and Vermont. It has been recommended to the legislature of Massachusetts by the Governor of that Commonwealth and is being considered by other states.

It is already before the legislature in the State of Maine where it is being studied as the most available medium for financing increased relief costs.

In fact, there is justification for the belief that, in due time, cigarettes will be taxed in practically all states.

### **State Tax a Revenue Cushion**

While the provision of this additional revenue will balance the budget for the next biennium and leave a small surplus each year, I have a further recommendation to make which I believe holds the possibility of doing a great deal of good.

The direct state tax was originally intended to be a flexible source of revenue, readily usable to make up

any small balance by which regular income fell short of meeting appropriations.

So long as the total levy amounted to less than a million dollars, it fulfilled its true function as a revenue "cushion" and, since the distributed load was so slight, it formed a wholly insignificant part of the taxpayer's burden. However, in recent years, the direct state tax levy has improperly come to be regarded as a major source of revenue, at one time—nineteen years ago—reaching \$1,800,000. In 1935, it was set at \$1,500,000 and, in 1936, at \$1,600,000.

During my first administration, steps were taken to reduce the state tax by \$400,000 in order to bring it closer to its normal level. Even at \$1,200,000, the figure for this year, it is still too high. While the burden on the taxpayer is slight, amounting only to about 6 and 4/10ths cents of every dollar he pays in taxes, nevertheless, it adds to the load on homes, farms and other real estate, which admittedly are too heavily burdened with taxes today.

In consequence, it is my recommendation that the direct state tax be reduced by 33 1/3 percent to \$800,000 beginning with the year 1940 and that the \$400,000 which will annually be needed to compensate for this reduction in revenue be secured by transfers from the General Sinking Fund which is amply strong to meet these drafts upon it.

Once the direct state tax has thus been reduced to a figure below a million dollars, it should not again be permitted to increase to proportions inconsistent with its proper function.

It is estimated that, after making the several transfers I have recommended, the General Sinking Fund will still show a balance of \$832,800 on June 30, 1940, and of \$705,590 on June 30, 1941.

In concluding this message, I wish once more to urge you, in your deliberations upon the financial problems which the budget attempts to solve, to remember that most important of all considerations are the absolute needs and the taxpaying capacities of the people, who ultimately bear all the burdens and to whose welfare and prosperity and happiness all legislation and all administrative acts are necessarily directed.

If we do our financial planning with that thought constantly in mind and against that broad background of economic reality, we shall make few mistakes and shall best serve those who elected us.

The people of New Hampshire are fortunate, indeed, in that the fundamental task of making their laws in these troublous times is resting with a legislature which is distinguished by the broad individual experience and the mature judgment possessed by its members.

In the budget, I am proposing a financial plan which I believe will meet our needs in the next two years and, in this message, I have offered a few supplementary suggestions which I hope you may find helpful.

I am convinced that this is a time when prudence should mark our every act and when all our planning should be conservative. Because I am satisfied that you, too, recognize the need for such a course, and because I have respect for your judgment, I am confident that the rights and the welfare of the people, especially of those who are patiently bearing the burdens of taxation, will be well-served in every way.



### Leaves of Absence

Messrs. Dubois and Habel of Somersworth, and Atherton of Nashua were granted leaves of absence for the day on account of important business.

Mr. Chickering of Walpole was granted leave of absence for the rest of the week on account of important business.

### Committee Reports

Mr. Sawyer of Woodstock for the Committee on Engrossed Bills, reported that the committee had examined and found correctly engrossed the following entitled bills and joint resolution:

House Bill No. 40, An act prohibiting the publication by county officials of names of persons receiving soldiers' aid.

House Bill No. 49, An act relating to city and town Tax Collectors' Association.

House Bill No. 61, An act relating to emergency public works.

House Bill No. 65, An act legalizing the November, 1938, election in the town of Barnstead.

House Joint Resolution No. 15, Joint resolution memorializing the Federal Hospitalization Board of the United States Veterans' Administration.

Mr. Ladouceur of Manchester for the Committee on Insurance, to whom was referred House Bill No. 22, An act relating to fees charged foreign insurance companies, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Fernald of Jackson for the Committee on Public Improvements, to whom was referred House Bill No. 299, An act relative to the secondary highway system, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Hutchins of Claremont for the Committee on Public Health, to whom was referred House Bill No. 206, An act relative to the publication of vital statistics in town reports, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Normandin of Laconia for the Committee on Judiciary, to whom was referred House Bill No. 36, An act relating to the preservation of ballots at town or school district meetings, reported the same with the recommendation that the bill ought to pass.

The report was accepted.

On motion of Mr. Duncan of Jaffrey the bill was laid upon the table.

Mr. Normandin of Laconia, for the Committee on Judiciary, to whom was referred House Bill No. 253, An act relating to clerk hire in the probate office of Strafford county, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 by striking out the whole of said section and inserting in place thereof the following:

1. *Strafford County Probate Office.* Amend section 21, chapter 294 of the Public Laws, as amended by chapters 89 and 141 of the Laws of 1929, chapter 14, Laws of 1935 and chapter 105 of the Laws of 1935, and section 1, chapter 111, Laws of 1937, by inserting after the words "In Rockingham county, eight hundred dollars" the words, In Strafford County, five hundred dollars, so that said section as amended shall read as follows: 21. *Clerk Hire.* Registers of Probate shall be allowed the following sums annually for clerk hire, payable monthly by the county:

In Rockingham county, eight hundred dollars.

In Strafford county, five hundred dollars.

In Merrimack county, nine hundred dollars.

In Hillsborough county, two thousand five hundred dollars.

In Sullivan county, three hundred dollars.

In Grafton county, three hundred dollars.

In Coos county, one hundred fifty dollars.

The report was accepted.

On motion of Mr. Seavey of Rochester the rules were suspended, and the bill and accompanying report was referred to a special committee consisting of the Strafford County Delegation.

Mr. Normandin of Laconia, for the Committee on Judiciary, to whom was referred House Bill No. 77, An act relating to check lists for school meetings, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 by striking out the whole of said section and inserting in place thereof the following:

1. Amend section 11, chapter 120 of the Public Laws by striking out the whole of said section and inserting in its place the following:

11. The school board shall make, post and correct a list of the legal voters in the district, as supervisors are required to do in regard to the list of voters in their towns; and such list shall be used and checked, at the election of officers and otherwise at the annual meeting and all special meetings of the districts, as in case of town meetings. The supervisors of the check-list shall, upon request of the school board, seasonably furnish said board with one or more copies of the last check list used and certified to be correct by them.

The report was accepted, the amendment adopted and the bill ordered to a third reading.

Mr. Noyes of Bethlehem, for the Committee on Insurance, to whom was referred House Bill No. 127, An act relating to taxation of foreign insurance companies, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 by inserting after the word "premiums" in line 8 the words, and a further deduction in the case of all mutual fire, casualty, fidelity, and boiler insurance companies, taxable under the provisions of this section, of the amount of all unabsorbed premium deposits actually returned or credited to policy holders upon business in this state during the year for which the tax is determined, so that said section as amended shall read as follows:

1. *Foreign Insurance Companies.* Amend section 59 of Chapter 275 of the Public Laws, as amended by Chapter 103 of the Laws of 1929, by striking out said section and inserting in place thereof the following: 59. *Tax, Fire Insurance, etc.* Every such fire, marine, fidelity and casualty insurance company shall pay to the state treasurer, within one month after receiving notice from the commissioner of the amount thereof, a tax of two percent upon all gross direct premiums written, less return premiums, and a further deduction in the case of all mutual fire, casualty, fidelity and boiler insurance companies, taxable under the provisions of this section, of the amount of all unabsorbed premium deposits actually returned or credited to policy holders upon business in this state during the year for which the tax is determined, upon property or risks resident or located in this state, during the year ending on the preceding December thirty-first, as assessed by the commissioner.

The report was accepted.

On motion of Mr. Noyes of Bethlehem the bill and accompanying report was recommitted to the Committee on Insurance.

Mr. Ladouceur of Manchester, for the Committee on Insurance, to whom was referred House Bill No. 39, An act relating to the salary of the Deputy Insurance Commissioner, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 by striking out the words "three thousand" in the fourth and seventh lines, and inserting in place thereof the words, twenty-five hundred, so that said section as amended shall read as follows:

1. *Deputy Insurance Commissioner.* Amend section 7 of chapter 271 of the Public Laws, as amended by chapter 165 of the Laws of 1929 and chapter 137 of the Laws of 1931, by striking out the words "eighteen hundred" in the third line and inserting in place thereof the words, twenty-five hundred, so that said section as amended shall read as follows: 7. *Compensation.* The annual salary of the commissioner shall be five thousand dollars, and of the deputy commissioner twenty-five hundred dollars, and shall be full compensation for their services. A temporary commissioner shall be paid five dollars a day for the time actually spent in the discharge of his duties; and the governor and council shall audit and allow his account therefor.

The report was accepted, the amendment adopted and the bill referred to the Committee on Appropriations under the rules.

### Message from the Senate

A message from the Honorable Senate by its Clerk announced that the Senate had voted to adopt the

amendments offered by the Committee on Engrossed Bills, to the following House Bills, in the adoption of which amendments the Senate asked the concurrence of the House of Representatives:

House Bill No. 90, An act amending the charter of the New Hampshire Congregational Christian Conference.

Amend the title of said bill by striking out the words "amending the charter of" and inserting in place thereof the words, relating to so that said title as amended shall read as follows:

An act relating to the New Hampshire Congregational Christian Conference.

Amend section 1 of said bill by striking out the words "shall read as amended" in the fourth line and inserting in place thereof the words, as amended shall read as follows:

On motion of Mr. Elkins of Concord the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 110, An act relating to Lake Wentworth in Wolfeboro.

Amend the title of said bill by inserting before the word "Lake" the words, taking pickerel in, so that said title as amended shall read as follows:

An act relating to taking pickerel in Lake Wentworth in Wolfeboro.

Amend section 1 of said bill by striking out the first six lines thereof and inserting in place thereof the following:

1. *Lake Wentworth in Wolfeboro.* Amend section 12 of chapter 201 of the Public Laws, as inserted by section 5, chapter 124, Laws of 1935, and as amended by chapter 2 of the Laws of 1937, by striking out the



word "and" in the fourth line and by adding after the word "Winnisquam" in the fourth line the words, and Lake Wentworth in Wolfeboro, so that said section as amended shall read as follows:

On motion of Mr. Carpenter of Wolfeboro the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bill.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 111, An act relating to pickerel fishing in Rust pond in Wolfeboro.

Amend the title of said bill by adding at the end thereof the words, and Mirror lake in Tuftonboro and Wolfeboro, so that said title as amended shall read as follows:

An act relating to pickerel fishing in Rust pond in Wolfeboro and Mirror lake in Tuftonboro and Wolfeboro.

On motion of Mr. Jewell of Wolfeboro the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

The message further announced that the Senate has passed a bill with the following title, in the passage of which it asks the concurrence of the House of Representatives:

Senate Bill No. 11, An act relative to the celebration of Fast Day.

#### Senate Bill Read and Referred

Senate Bill No. 11, An act relative to the celebration of Fast Day.

Read a first and second time, and referred to the Committee on Judiciary.

The message also announced that the Senate had voted to adopt the following concurrent resolution:

*Resolved*, by the Senate, the House of Representatives concurring, that the regular sessions of the General Court be held on Wednesday, February 22.

On motion of Mr. Fernald of Dover the House concurred in the concurrent resolution.

On motion of Mr. Elkins of Concord the Clerk was instructed to procure the usual number of printed copies in separate form, of the budget message, delivered before the Joint Convention by His Excellency, The Governor.

On motion of Mr. Elkins of Concord the House took a recess for one hour and 45 minutes.

### After Recess

### Appointment

The Appropriations Committee announced the appointment of Eleanor Brown of Bristol as stenographer to the committee.

### Committee Reports

On motion of Mr. Baker of Concord the rules were suspended to allow for the presentation of a committee report which had not previously been advertised in the Journal.

Mr. Hunter of Hanover for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 321, An act relative to unemployment compensation with the recommendation that the bill be referred to the Committee on Labor.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Labor.

Mr. Etsler of Claremont for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 322, An act in

amendment of paragraph IV, section 1, chapter 99 of the Public Laws relating to motor vehicles, as amended by Laws of 1927, chapter 52, section 1, and Laws of 1935, chapter 73, section 2, with the recommendation that the bill be referred to the Committee on Revision of the Statutes.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Revision of the Statutes.

Mr. Baker of Concord for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 323, An act making appropriations for the expenses of the State of New Hampshire for the year ending June 30, 1940, with the recommendation that the bill be referred to the Committee on Appropriations.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Appropriations.

Mr. Baker of Concord, for the Committee on Rules, having considered the subject reported the following entitled bill, House Bill No. 324, An act making appropriation for the expenses of the State of New Hampshire for the year ending June 30, 1941, with the recommendaiton that the bill be referred to the Committee on Appropriations.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Appropriations.

Mr. Etsler of Claremont, for the Committee on Rules, having considered the subject reported the following entitled bill, House Bill No. 325, An act relating to Interstate Authority for the Portsmouth-Kittery Bridge and approaches thereto, with the recommendation that the bill be referred to the Committee on Judiciary.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Judiciary.

Mr. Etsler of Claremont, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 326, An act relating to town appropriations, with the recommendation that the bill be referred to the Committee on Revision of the Statutes.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Revision of the Statutes.

Mr. Hunter of Hanover, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 327, An act establishing a Commission for the purpose of studying the possibilities of protecting individuals unemployed because of sickness or ill health, with the recommendation that the bill be referred to the Committee on Public Health.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Public Health.

Mr. Osborne of Sunapee for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 328, An act relating to ice cream and sherbets, with the recommendation that the bill be referred to the Committee on Public Health.

The report was accepted, the bill read a first and second time, laid upon the table to be printed, and referred to the Committee on Public Health.

Mr. Boynton of Hillsboro for the Committee on Rules, having considered the subject, reported the following joint resolution, House Joint Resolution No.

56, Joint resolution for the dredging and straightening of the channels of the Contoocook and Nubanusit rivers in the town of Peterborough, with the recommendation that the joint resolution be referred to the Committee on Public Improvements.

The report was accepted, the joint resolution read a first and second time, laid upon the table to be printed and referred to the Committee on Public Improvements.

Mr. Boynton of Hillsboro for the Committee on Rules, having considered the subject, reported the following joint resolution, House Joint Resolution No. 57, Joint resolution for the repair of certain bridges and roads in the town of Peterborough, with the recommendation that the joint resolution be referred to the Committee on Public Improvements.

The report was accepted, the joint resolution read a first and second time, laid upon the table to be printed and referred to the Committee on Public Improvements.

Mr. Boynton of Hillsboro for the Committee on Rules, having considered the subject, reported the following joint resolution, House Joint Resolution No. 58, Joint resolution providing for the repair and reconstruction of two bridges in the town of Peterborough, with the recommendation that the joint resolution be referred to the Committee on Public Improvements.

The report was accepted, the joint resolution read a first and second time, laid upon the table to be printed and referred to the Committee on Public Improvements.

Mr. Baker of Concord for the Committee on Rules, having considered the subject, reported the following joint resolution, House Joint Resolution No. 59, Joint resolution in favor of Frank Liano, with the



recommendation that the joint resolution be referred to the Committee on Claims.

The report was accepted, the joint resolution read a first and second time, laid upon the table to be printed and referred to the Committee on Claims.

Mr. Hunter of Hanover for the Committee on Rules, having considered the subject, reported the following joint resolution, House Joint Resolution No. 60, Joint resolution for the construction of a bridge in Enfield, with the recommendation that the joint resolution be referred to the Committee on Public Improvements.

The report was accepted, the joint resolution read a first and second time, laid upon the table to be printed and referred to the Committee on Public Improvements.

Mr. Osborne of Sunapee for the Committee on Rules, having considered the subject, reported the following joint resolution, House Joint Resolution No. 61, Joint resolution in favor of Fred D. Parsons, with the recommendation that the joint resolution be referred to the Committee on Claims.

The report was accepted, the joint resolution read a first and second time, laid upon the table to be printed and referred to the Committee on Claims.

Mr. Etsler of Claremont for the Committee on Rules, having considered the subject, reported the following joint resolution, House Joint Resolution No. 62, Joint resolution making appropriation for the state prison farm, with the recommendation that the joint resolution be referred to the Committee on State Prison.

The report was accepted, the joint resolution read a first and second time, laid upon the table to be printed and referred to the Committee on State Prison.

Mr. Baker of Concord for the Committee on Rules, having considered the subject, reported the following



joint resolution, House Joint Resolution No. 63, Joint resolution making an appropriation for the construction and equipment of a piggery at the state prison, with the recommendation that the joint resolution be referred to the Committee on State Prison.

The report was accepted, the joint resolution read a first and second time, laid upon the table to be printed and referred to the Committee on State Prison.

Mr. Etsler of Claremont for the Committee on Rules, having considered the subject, reported the following joint resolution, House Joint Resolution No. 64, Joint resolution relating to occupational diseases, with the recommendation that the joint resolution be referred to the Committee on Judiciary.

The report was accepted, the joint resolution read a first and second time, laid upon the table to be printed and referred to the Committee on Judiciary.

On motion of Mrs. Styles of Dummer the House adjourned from the morning session.

The House was immediately called to order in afternoon session.

### Afternoon

On motion of Mr. Elkins of Concord, the rules were suspended, and the third readings of bills by their titles made in order.

### Third Reading

House Bill No. 77, An act relating to check lists for school meetings.

House Bill No. 206, An act relative to the publication of vital statistics in town reports.

Severally read a third time and passed and sent to the Senate for concurrence.

On motion of Mr. Brown of Meredith at 3:14 o'clock the House adjourned.

## THURSDAY, FEBRUARY 16, 1939.

The House met at 11:00 o'clock.

Prayer was offered by the Chaplain.

**Leaves of Absence**

Mr. Shedd of New Boston was granted leave of absence for the day on account of important business.

Mr. Graham of Antrim was granted leave of absence for the day on account of town business.

Mr. Perkins of Pittsfield was granted leave of absence for the day on account of attending a funeral.

Mr. Morse of Sanborton was granted leave of absence for the week on account of illness.

Mr. Sanderson of Pittsfield was granted leave of absence for the day and the week of February 19, on account of business out of the state.

**Committee Reports**

Mr. Converse of Claremont, for the Special Committee consisting of Claremont Delegation, to whom was referred House Bill No. 41, An act providing for the registration of voters in the town of Claremont, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Batchelder of Northfield, for the Committee on Claims, to whom was referred House Bill No. 46, An act to reimburse Herbert C. Trenoweth, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Normandin of Laconia, for the Committee on Judiciary, to whom was referred House Bill No. 63,

An act relating to self liquidating loans to industries in the town of Lebanon, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Normandin of Laconia, for the Committee on Judiciary, to whom was referred House Bill No. 92, An act against committing nuisances, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Barnard of Manchester, for the Committee on Revision of the Statutes, to whom was referred House Bill No. 306, An act relating to elections, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Barnard of Manchester, for the Committee on Revision of the Statutes, to whom was referred House Bill No. 294, An act relating to the election of selectmen, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Barnard of Manchester, for the Committee on Revision of the Statutes, to whom was referred House Bill No. 222, An act relating to election of school officers by Australian ballot and group tickets, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Barnard of Manchester, for the Committee on Revision of the Statutes, to whom was referred House

Bill No. 88, An act relative to insurance policies of old age assistance recipients, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted.

On motion of Mr. Sherry of Dover, the bill was re-committed to the committee on Revision of the Statutes.

Mr. Hall of Langdon, for the Committee on Towns and Counties, to whom was referred House Bill No. 5, An act relating to warning town meetings, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Barnard of Manchester, for the Committee on Revision of the Statutes, to whom was referred House Bill No. 123, An act relative to the definition of persons eligible for aid to the aged, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Sanderson of Pittsfield, for the Committee on Appropriations, to whom was referred House Joint Resolution No. 22, Joint resolution appropriating funds for the publication of wartime military records, reported the same with the recommendations that the joint resolution ought to pass.

The report was accepted and the joint resolution ordered to a third reading.

Mr. Normandin of Laconia, for the Committee on Judiciary, to whom was referred House Bill No. 252, An act relating to the salary of the justice of the municipal court of Milford, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Ladouceur of Manchester, for the Committee on Insurance, to whom was referred House Bill No. 127, An act relating to taxation of foreign insurance companies, reported the same with the following amendments, and the recommendation that the bill as amended ought to pass.

Amend by inserting after section 1 the following new section:

2. Amend section 55 of chapter 275 of the Public Laws, as amended by chapter 14 of the Laws of 1929, by striking out the whole of said section and inserting in place thereof the following: 35. *Annual Statements*. Every such insurance company doing business in this state shall, on or before March first in each year, transmit to the commissioner a statement, under oath, of its president and secretary, of the whole amount of premiums written during the year ending on the preceding December thirty-first, for insurance on property or risks located or persons resident in this state; also giving its assets, liabilities, amount of capital stock actually paid in, amount of outstanding risks and the business standing and affairs of the company generally; in accordance with blanks to be furnished by the commissioner, adapted to the business of the company.

Further amend by renumbering section 2, section 3.

The report was accepted, the amendments adopted and the bill ordered to a third reading.

Mr. Ladouceur of Manchester, for the Committee on Insurance, to whom was referred House Bill No. 28, An act relating to licenses and examinations of domestic insurance companies, reported the same with the following amendments, and the recommendation that the bill as amended ought to pass.

Amend section 3 by striking out after the word "of" in line 7 the words, "any such fire or casualty in-

insurance company once every two years and a thorough examination of the affairs of every other domestic insurance company once every three years. The expense of such biennial and," and inserting in place thereof the words, every domestic insurance company once every three years. The expense of such, so that said section as amended shall read as follows: 3 *Requirements*. Amend section 31 of chapter 273 of the Public Laws by striking out said section and inserting in place thereof the following: 31. *Examinations*. At the close of each calendar year the commissioner, in person or by deputy, shall examine and verify the assets and liabilities of all domestic insurance companies with their annual statements required by the following section, and, in addition thereto, shall make a thorough examination of the affairs of every domestic insurance company once every three years. The expense of such triennial examinations shall be borne by the company examined. Provided, that whenever it shall appear to the commissioner that any domestic insurance company is insolvent or that there is gross waste, misconduct or negligence in the management of its affairs he shall make or cause to be made a thorough examination of such company forthwith.

Further amend by adding the following new section:

4. Sections 19 and 20 of Chapter 278 of the Public Laws are hereby repealed.

Further amend by renumbering section 5.

The report was accepted, the amendments adopted and the bill ordered to a third reading.

Mr. Sanderson of Pittsfield for the Committee on Appropriations, to whom was referred House Joint Resolution No. 37, Joint resolution in favor of Mount Washington Observatory, reported the same with the



following amendment, and the recommendation that the joint resolution as amended ought to pass.

Amend said resolution by striking out the words "upon vouchers approved by the state planning and development commission" in lines 8 and 9 so that said resolution as amended shall read as follows:

That the sum of fifteen hundred dollars (\$1500) be and hereby is appropriated for the year beginning July 1, 1939, and a like sum for the year beginning July 1, 1940, for the Mount Washington Observatory, to be used for the work of said corporation in scientific research relative to weather observations, rendering assistance to persons climbing Mount Washington and for other work of said corporation. Said sums shall be paid out upon warrant of the governor and council and shall be a charge upon money in the treasury not otherwise appropriated.

The report was accepted, the amendment adopted, and the joint resolution ordered to a third reading.

Mr. Sanderson of Pittsfield, for the Committee on Appropriations, to whom was referred House Joint Resolution, No. 40, Joint resolution in favor of Mount Washington Observatory, reported the same with the following amendment, and the recommendation that the joint resolution as amended ought to pass:

Amend said resolution by striking out the words "upon vouchers approved by the state planning and development commission" in lines 7 and 8 so that said resolution as amended shall read as follows:

That the sum of seven hundred fifty dollars (\$750) be and hereby is appropriated for the period from January 1, 1939 to July 1, 1939 for the Mount Washington Observatory, to be used for the work of said corporation in scientific research relative to weather observations, rendering assistance to persons climbing Mount Washington and for other work of said

corporation. Said sum shall be paid out upon warrant of the governor and council and shall be a charge upon money in the treasury not otherwise appropriated.

The report was accepted, the amendment adopted, and the joint resolution ordered to a third reading.

Mr. Batchelder of Northfield, for the Committee on Claims, to whom was referred House Joint Resolution No. 20, Joint resolution in favor of Gordon F. Harris of Warner, reported the same with the recommendation that the joint resolution ought to pass.

The report was accepted and the joint resolution was referred to the Committee on Appropriations under the rules.

### Message from the Senate

A message from the Honorable Senate by its Clerk announced that the Senate had voted to adopt the amendment offered by the Committee on Engrossed Bills, to the following house bills, in the adoption of which amendment the Senate asked the concurrence of the House of Representatives:

House Bill No. 16, An act closing Robinson pond in the town of Hudson to all fishing.

Amend said bill by striking out section 1 and inserting in place thereof the following:

1. *Closed to all Fishing.* Amend section 7 of chapter 155 of the Laws of 1935, by adding after paragraph X, as inserted by section 32, chapter 188 of the Laws of 1937, the following new paragraph:

XI. Robinson pond in the town of Hudson for a period of two years from the date of the passage of this act.

On motion of Mr. Elkins of Concord the House concurred in the adoption of the amendment proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

The message further announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bill, sent up from the House of Representatives:

House Bill No. 116, An act relating to the practice of veterinary medicine.

The message also announced that the Senate had passed bills with the following titles, in the passage of which it asks the concurrence of the House of Representatives:

Senate Bill No. 15, An act relating to solicitor's permits.

Senate Bill No. 19, An act relating to pharmacist equipment.

Senate Bill No. 20, An act relating to the payment of county taxes.

### Senate Bills Read and Referred

Senate Bill No. 15, An act relating to solicitor's permits.

Read a first and second time and referred to the Committee on Liquor Laws.

Senate Bill No. 19, An act relating to pharmacist equipment.

Read a first and second time and referred to the Committee on Revision of the Statutes.

Senate Bill No. 20, An act relating to the payments of county taxes.

Read a first and second time and referred to the Committee on Revision of the Statutes.

### Resolution

On motion of Mr. Callahan of Keene.

*Resolved*, That when the House adjourns this morning it adjourns to meet Friday morning at 9 o'clock

and that when it then adjourns it adjourn to meet Monday evening at 6 o'clock.

### Personal Privilege

Mr. Congdon of Colebrook rose to a question of personal privilege and made the following statement:

I rise to a question of personal privilege. I desire to be recorded as having voted "Nay" instead of "Yea" on the roll call on House Bill No. 9, An act relating to horse racing and creating a state racing commission, due to the fact that there was a misunderstanding of the parliamentary procedure.

On motion of Mr. Fernald of Dover, business in order at three o'clock this afternoon was made in order at the present time.

### Third Readings

On motion of Mr. Fernald of Dover the rules were suspended and the third readings of bills by their titles and joint resolutions by their captions made in order.

House Bill No. 5, An act relating to warning town meetings.

House Bill No. 28, An act relating to licenses and examinations of domestic insurance companies.

House Bill No. 123, An act relative to the definition of persons eligible for aid to the aged.

House Bill No. 127, An act relating to taxation of foreign insurance companies.

House Bill No. 252, An act relating to the salary of the justice of the municipal court of Milford.

House Joint Resolution No. 22, Joint resolution appropriating funds for the publication of Wartime Military Records.

House Joint Resolution No. 37, Joint resolution in favor of Mount Washington Observatory.

House Joint Resolution No. 40, Joint resolution in favor of Mount Washington Observatory.

Severally read a third time and passed and sent to the Senate for concurrence.

On motion of Mrs. Gagnon of Berlin at 11:40 o'clock the House adjourned.

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FRIDAY, FEBRUARY 17, 1939.

The House met at 9:00 o'clock.

The following letter was read by the Clerk:

Friday, February 17, 1939

Mr. George H. Nash,  
Concord, N. H.

DEAR SIR:

I shall be unable to attend the session on Friday morning. Will you kindly preside for me and oblige.

Yours respectfully,

ANSEL N. SANBORN,  
*Speaker.*

There being no quorum present at 9:01 o'clock the House adjourned.

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MONDAY, FEBRUARY 20, 1939.

The House met at 6:00 o'clock.

The following letter was read by the Clerk:

Monday, February 20, 1939

Mr. Frank F. Hough,  
Lebanon, N. H.

DEAR SIR:

I shall be unable to attend the session on Monday evening. Will you kindly preside for me and oblige.

Yours respectfully,

ANSEL N. SANBORN,  
*Speaker.*

There being no quorum present at 6:01 o'clock the House adjourned.

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TUESDAY, FEBRUARY 21, 1939.

The House met according to adjournment.

Prayer was offered by the Chaplain.

#### Leaves of Absence

Mr. Tilton of Concord was granted leave of absence for the day on account of important business.

Mr. Lord of Gilford was granted leave of absence for the day on account of town business.

Mr. Marcoux of Nashua was granted leave of absence on account of a fire at his home.

Mr. Osborne of Concord was granted leave of absence for Wednesday on account of absence from the state.

Mr. Myham of Peterborough was granted leave of absence for Wednesday and Thursday on account of important business.

Mrs. Hayes of Barrington was granted leave of absence until further notice on account of state business.



Miss Hanson of Gilsum was granted leave of absence for the week on account of illness.

Mr. Hamilton of Lisbon was granted leave of absence until further notice on account of illness.

Mr. Hinman of North Strafford was granted leave of absence until further notice on account of illness.

Mrs. Batchelder of Hanover for the Committee on Engrossed Bills, reported that the committee had examined and found correctly engrossed the following entitled bills:

House Bill No. 90, An act relating to The New Hampshire Congregational-Christian Conference.

House Bill No. 110, An act relating to taking pickerel in Lake Wentworth in Wolfeboro.

House Bill No. 111, An act relating to pickerel fishing in Rust pond in Wolfeboro and Mirror lake in Tiltonboro and Wolfeboro.

The report was accepted.

### Committee Reports

Mr. Vittum of Tamworth for the Committee on Public Improvements, to whom was referred House Joint Resolution No. 38, Joint resolution providing for the improvement of certain road in the town of Wilton, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate, purpose attainable by other means.

The report was accepted and the resolution of the committee adopted.

Mr. Ladouceur of Manchester for the Committee on Insurance, to whom was referred House Bill No. 29, An act relating to reinsurance with unadmitted companies, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the Committee adopted.

Mr. Carpenter of Manchester for the Committee on Fisheries and Game, to whom was referred House Bill No. 189, An act to prohibit Sunday hunting in the interest of conservation, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted .

Mr. Ladouceur of Manchester for the Committee on Insurance, to whom was referred House Bill No. 30, An act relating to incorporation of insurance companies, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend by striking out all of section 1 and inserting in place thereof the following:

1. *Collision Insurance*. Amend paragraph VI of section 1, chapter 272, Public Laws, as amended by chapter 135 of the Laws of 1931, by adding after the word, "glass", in the seventh line the words, and against loss or damage resulting from collision, so that said paragraph as amended shall read as follows:

VI. On property and rents and use and occupancy against loss or damage and against liability of the insured therefor from explosions of steam boilers, tanks and engines, their connections and machinery connected therewith, and breakage of flywheels and machinery, and to make inspections thereof; and against loss from burglary, theft and forgery, and against loss or damage by the breakage of glass and against loss or damage resulting from collision.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mr. Normandin of Laconia for the Committee on Judiciary, to whom was referred House Bill No. 138, An act relating to assessment, reported the same with

the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 by striking out the whole of said section and inserting in place thereof the following:

1. Amend section 8 of chapter 64 of the Public Laws by adding after the word "acres" in the last line the words, if known, so that said section as amended shall read as follows:

8. ———; *Real Estate*. The list of taxes assessed on real estate shall contain the name of the owner, if known; otherwise the name of the original owner, if known; the number of the lot and range, if lotted, otherwise such description as the land may be readily known by; the number of acres, if known; and the amount of taxes assessed thereon.

The report was accepted, the amendment adopted and the bill ordered to a third reading.

Mr. Normandin of Laconia for the Committee on Judiciary, to whom was referred House Bill No. 1, An act relating to the procedure for the removal of town or school district officers, reported the same with the following amendments, and the recommendation that the bill as amended ought to pass.

Amend section 1 by striking out in the second line the words, for good cause shown.

Further amend section 1 by adding at the end thereof the words, for malfeasance or misfeasance in office or neglect of duty, so that said section as amended shall read as follows:

1. That the Superior Court, upon proper procedure, may remove from office any officer of any town or of any school district for malfeasance or misfeasance in office or neglect of duty.

Amend section 2 by striking out in the fifth line the words, or by twenty-five voters, so that said section as amended shall read as follows:

2. All proceedings under this act shall be the same as for a bill in equity and may be begun at any time by the Attorney General or by the County Solicitor for the county in which the office is situated, or by one-sixth part of the voters of the town or school district interested.

Further amend by adding the following new section:

3. The provisions of this act are not intended to and do not affect or repeal any existing common law or statutory method of removing any officer of any town or school district.

Further amend by renumbering section 3 section 4.

The report was accepted, the amendments adopted.

Mr. Sawyer of Jaffrey moved that the bill and accompanying report be indefinitely postponed.

The question being on the motion of Mr. Sawyer.

(Discussion ensued)

Messrs. Sawyer of Jaffrey, Hepworth of Derry, and Tilton of Ward 4, Laconia spoke in favor the motion.

Messrs. Cannell of Exeter, Etsler of Claremont, Hoyt of Newington, Bass of Peterborough, and Wadleigh of Milford spoke against the motion.

On a *viva voce* vote the chair was in doubt.

Mr. Etsler of Claremont called for a division.

A division being had 239 members voted in the affirmative and 116 members voted in the negative and the motion to indefinitely postpone prevailed.

Mr. Normandin of Laconia, for the Committee on Judiciary, to whom was referred House Bill No. 139, An act relative to the payment of poll taxes, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend said bill by striking out the whole of section 1 and inserting in place thereof the following:

1. Amend chapter 132 of the laws of 1933 by striking out the whole of section 1 and inserting in place thereof the following: 1. *Payment of Poll Taxes Required.* No resident of New Hampshire shall be entitled to receive a permit to register a motor vehicle, a license to operate a motor vehicle, or a license to hunt or fish within this state, until he shall present to the issuing officer the receipt of the tax collector of the city or town of which he is a resident showing that he has paid his poll tax, if subject thereto, in the city or town for the tax year preceding the date of his application for such permit or license.

The report was accepted, the amendment adopted and the bill ordered to a third reading.

Mr. Carpenter of Wolfeboro, for the Committee on Fisheries and Game, to whom was referred House Bill No. 43, An act relating to the closing to fishing of Umbagog lake, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend by striking out all after the enacting clause and inserting in place thereof the following:

1. Amend section 7, chapter 155, Laws of 1935, as amended by section 4, chapter 96 and section 32, chapter 188, Laws of 1937, by adding after paragraph X the following new paragraph:

XI. Umbagog lake in Errol and Cambridge and that part of the lake called Leonard pond in Errol and the Magalloway river and all its tributaries and the Androscoggin river and all its tributaries from Umbagog lake to Errol Dam are hereby closed to all fishing from October first to January first and from March first to April first.

2. *Takes Effect.* This act shall take effect upon its passage.



The report was accepted, the amendment adopted and the bill ordered to a third reading.

Mr. Carpenter of Wolfeboro, for the Committee on Fisheries and Game, to whom was referred House Bill No. 124, An act closing Nubanusit lake in the towns of Hancock and Nelson and Spoonwood pond in the town of Nelson to ice fishing, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 2 by inserting after the word, "Nelson" in lines 8 and 12 the words, from January first to February fifteenth, so that said section as amended shall read as follows:

2. *Ice Fishing.* Amend paragraph IX of section 5 of chapter 155 of the Laws of 1935, as inserted, chapter 96 of the Laws of 1937, by adding to said paragraph the following: Nubanusit lake in Hancock and Nelson from January first to February fifteenth, Spoonwood pond in Nelson, so that said paragraph as amended shall read as follows:

IV. Northwood lake in Northwood and Epsom, Nutt pond in Manchester, Partridge lake in Lyman and Littleton, Pleasant lake in New London, Robs reservoir in Stoddard, Nubanusit lake in Hancock and Nelson from January first to February fifteenth, Spoonwood pond in Nelson.

The report was accepted, the amendment adopted and the bill ordered to a third reading.

Mrs. Cooper of Nashua, for the Committee on Judiciary, to whom was referred House Bill No. 20, An act creating a retirement system for firemen, reported the same was the following amendments, and the recommendation that the bill as amended ought to pass.

Amend section 2 by adding after paragraph III the following new paragraph: IV. "Call Firemen" shall



mean a fireman not regularly employed by a fire department, but answering for duty only to alarms of fire.

Amend paragraph II of section 9 by inserting after the word "firemen" in the third line the words, or call firemen, so that said paragraph as amended shall read as follows: II. Upon the receipt of an order from the retirement board, it shall be the duty of the state treasurer to pay out of the retirement fund to permanent firemen or call firemen such benefits or compensation as the board may find due under the provisions of this act.

Amend by inserting after section 12 the following new section: 13. *Compensation in Case of Death or Disability of Call Firemen.* Any call fireman in this state who suffers injury in line of duty which results in total disability to perform any useful occupation, shall be entitled to receive for the duration of such disability, an annual sum equal to one-half the annual salary allowed to permanent firemen of same grade in same department to which said fireman belonged, or in nearest fire department employing permanent firemen. The fact of total disability may be established by the certificate of a physician designated by the board.

In case any call fireman in this state shall suffer injury in line of duty which results in death, his widow, or, if none, his minor child or children shall receive an annual sum equal to the compensation allowed call fireman in case of permanent disability, until, in case of a widow, she dies or remarries, or, in case of a minor child or children, they reach the age of eighteen years or die. The compensation provided for in this section shall be paid out of the retirement fund.

Any call firemen who desire the benefits of this act shall make application to the Retirement Board with-

in thirty days of the passage of this act, and pay the sum of three dollars per year, said amount to be paid in one sum. Any person hereafter becoming a call fireman may in the same manner, within thirty days of his appointment thereto, accept the benefits hereunder.

Call firemen accepting the benefits of this act shall give notice of such acceptance to the treasurer or other disbursing officer of the city, town, or precinct which employs them.

Further amend by renumbering sections 13, 14, 15 and 16 to read sections 14, 15, 16 and 17 respectively.

The report was accepted, the amendment adopted.

The undersigned, a minority of the Committee on Judiciary, to whom was referred House Bill No. 20, An act creating a retirement system for firemen, having considered the same and being unable to agree with the majority, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

PERKINS BASS,  
CHARLES A. ROLLINS,  
JASON C. SAWYER,  
F. A. NORMANDIN,

*A Minority of the Committee.*

The report was accepted.

The bill as amended and the accompanying reports were referred to the Committee on Appropriations under the rules.

Mrs. Bixby of Berlin for the Committee on Liquor Laws, to whom was referred House Bill No. 85, An act relating to the sale of beverages on election days after the polls are closed, reported the same with the recommendation that the bill ought to pass.

The report was accepted.

Mr. Smith of Hudson moved that the bill and accompanying report be recommitted to the Committee on Liquor Laws.

The question being on the motion of Mr. Hudson

(Discussion ensued)

Mr. Smith of Hudson spoke for the motion.

Messrs. Conlon of Concord and Duffley of Manchester spoke against the motion.

On a *viva voce* vote the motion did not prevail.

The question being on the report of the committee, the bill "ought to pass."

The report was accepted and the bill ordered to a third reading.

### Message From the Senate

A message from the Honorable Senate by its Clerk announced that the Senate had passed a bill with the following title, in the passage of which it asks the concurrence of the House of Representatives:

Senate Bill No. 16, An act relating to the establishment of memorials by towns and cities.

### Senate Bill Read and Referred

Senate Bill No. 16, An act relating to the establishment of memorials by towns and cities.

Read a first and second time and referred to the Committee on Military Affairs.

### Taken From the Table

On motion of Mr. Duncan of Jaffrey, House Bill No. 36, An act relating to the preservation of ballots at town or school district meetings, was taken from the table.

The question being on the report of the Committee that the bill "ought to pass."

Mr. Duncan of Jaffrey offered the following amendments:

Amend said bill by adding thereto a new section which shall be as follows:

5. *Application.* This act shall apply only to such towns and school districts as shall have accepted the provisions of section 88, chapter 26 of the Public Laws.

Further amend said bill by renumbering section 5, making it section 6.

The question being on the amendments.

(Discussion ensued)

Messrs. Duncan of Jaffrey and Etsler of Claremont spoke in favor of the amendments.

On a *viva voce* vote the amendments were adopted and the bill ordered to a third reading.

### Resolution

Mr. Pulsifer of Campton offered the following resolution:

*Resolved*, That the House having learned with sorrow of the death of our fellow member, Lester M. Avery of Holderness that a committee of five be appointed to draw up suitable resolutions to be forwarded to his family.

The resolution was unanimously adopted by a rising vote.

The Speaker appointed the following members to serve on such committee:

Messrs. Pulsifer of Campton, Bell of Plymouth, Hunter of Hanover, Merrill of Plymouth and Leonard of Grafton.

On motion of Mr. Atherton of Nashua:

*Resolved*, That the Committee on Banks be permitted the use of Representatives' Hall on Wednesday, February 22, at 1:30 p. m., for a hearing on House Bill No. 251, An act to authorize branch banking.

### Personal Privilege

Mr. Smith of Troy rose to a question of personal privilege and stated he was unavoidably detained when the vote was taken on House Bill No. 9, An act relative to horse racing and creating a State Racing Commission. Had two been present he would have voted "yes" on the question.

### Communication

The following letter was read by the Speaker:

ANSEL N. SANBORN, *Speaker,*  
*House of Representatives,*  
*Concord, N. H.*

DEAR MR. SPEAKER:

Please convey to the members of the House my gratitude and appreciation for the resolutions of sympathy and the beautiful flowers sent the past week.

Sincerely,

CHARLES I. WOODBURY,  
of Nashua.

On motion of Mr. Fernald of Dover, business in order at 3:00 o'clock was made in order at the present time.

### Third Readings

On motion of Mr. Fernald of Dover the rules were suspended and the third readings of bills by their titles were in order.

House Bill No. 30, An act relating to incorporation of insurance companies.

House Bill No. 36, An act relating to the preservation of ballots at town or school district meetings.

House Bill No. 43, An act relating to the closing to fishing of Umbagog lake.

House Bill No. 138, An act relating to assessment.

House Bill No. 139, An act relating to the payment of poll taxes.

Severally read a third time and passed and sent to the Senate for concurrence.

House Bill No. 85, An act relating to the sale of beverages of election day after the polls are closed.

Read a third time.

The question being shall the bill pass?

Mr. Gage of Manchester moved that the bill be indefinitely postponed.

The question being on the motion of Mr. Gage.

(Discussion ensued)

Messrs. Gage of Manchester, Kimball of Manchester, Duncan of Jaffrey, Powers of Brookline and Shaw of Franklin spoke in favor of the motion.

Messrs. Conlon of Concord, Sullivan of Manchester, Kempton of Newport, Duffley of Manchester, and Manley of Newport spoke against the motion.

Mr. Etsler of Claremont moved the previous question.

The question being,

Shall the question now be put?

On a *viva voce* vote the previous question was ordered.

The question being on the motion of Mr. Gage.

Mr. Gage of Manchester called for a division.

A division being had 151 members voted in the affirmative and 171 members voted in the negative, and the motion of Mr. Gage of Manchester to indefinitely postpone the bill did not prevail.

Mr. Gage demanded the yeas and nays, and the roll was called with the following result:



## Yeas, 152

ROCKINGHAM COUNTY: Persson, Goodrich, Burbank, Hepworth, Avery of East Kingston, Bourn, Pennell, Tozier, Miller of Greenland, Creighton, Keay, Nesmith, Smith of Newfield, Hoyt of Newington, Rowell of Northwood, Palmer of Plaistow, Palfrey, Quimby, Currier.

STRAFFORD COUNTY: Hayes of Dover, Fernald of Dover, Smart, Hale, Plummer, Pray, Young of Rochester.

BELKNAP COUNTY: Rollins, Hier, Price, Guay, Rivers, Greene, Simpson of Laconia, Morse.

CARROLL COUNTY: Simpson of Bartlett, Russell of Conway, Gale, Nickerson, Knox, Vittum.

MERRIMACK COUNTY: MacPhee, Nichols, Woodbury of Bow, Trow, Morrill, Sanborn of Chichester, Dunlap, Kemp, Elkins, Osborne of Concord, Sturtevant, Freeman, George, Maxham, Hoyt of Concord, Collins of Danbury, Yeaton of Epsom, Maxfield, Shaw, Burnham, Nelson of Hopkinton, Merrill of Loudon, Swift, Batchelder of Northfield, Perkins, Clark of Salisbury, Anderson, Cloues.

HILLSBOROUGH COUNTY: Bills, Wiggin, Powers, Michie, Clark of Francestown, Brown of Goffstown, Tuttle, Wilson, Goodwin of Hudson, Smith of Hudson, Reid, Bergholtz, Knowlton of Manchester, Gage, Kimball, Woodbury of Manchester, Ward 2, Woodbury of Manchester, Ward 3, Wadleigh, Griswold, Lougee, Shedd, Jones, Peaslee.

CHESHIRE COUNTY: Winslow, Thomas, Miller of Fitzwilliam, Clark of Harrisville, Robertson, Duncan, Sawyer of Jaffrey, Frissell, Martin, Gates, Duffy, Tarbox, Bullock, Rice, Berry, Wheeler, Smith of Troy, Britton.

SULLIVAN COUNTY: Hutchins of Charlestown, Babcock, Converse of Claremont, Etsler, Holt, Officer,

Putnam, Warner, Hastings, Hall, Whitney, Osborne of Sunapee, Callum.

GRAFTON COUNTY: Bailey of Bath, Tyler, Coolidge, Pulsifer, Campbell, Ashley, Walbridge, Hodge, Batchelder of Hanover, Tuxbury, Craig, Dean, Smith of Hebron, Cannell, Dow, Howard, Hoyt of Lebanon, Collins of Lisbon, Bailey of Lyme, Bell, Taylor, Dreghorn.

COOS COUNTY: Smith of Berlin, Ward 1, Jackson, Emerson of Dalton, Stiles, Hartford, Peabody, Bowden, Noyes of Stewartstown, McIntyre.

### Nays, 180

ROCKINGHAM COUNTY: Stowe, Corson, Fecteau, Thompson of Exeter, Beede, Labranche, Willey, Prescott, Knowles, Fransoso, Frederickson, Reinhart, Foote, Cogan, Burkhardt, Liberson, Tucker, Peever, Smith of Seabrook.

STRAFFORD COUNTY: Loughlin, Sherry, Cronin, King, Ouellette, Brown of Dover, Lucas, Pilgrim, Durnin, Blanchard, Hayes of Farmington, Concord, Emerson, Beaudoin, Potvin, Studley, Seavey, Lagueux, Habel, Boucher, St. Laurent, Dubois, Berry.

BELKNAP COUNTY: Adams of Belmont, Tilton, Ward 3, Laconia, Roucher, Tilton, Ward 4, Laconia, Ballou, Brown of Meredith, Neal.

CARROLL COUNTY: Downs, Fernald of Jackson, Banfield, Merrow, Young of Tuftonboro, Carpenter, Jewell of Wolfeboro.

MERRIMACK COUNTY: Guilbeault, Baker, Hancock, Conlon, Harrison, Carignan, Lemire, Dempsey, Lafond, Cheney, Boisvert of Pembroke.

HILLSBOROUGH COUNTY: Graham, Charois, Gay, Chase, Daniels, Barnard, Johnson, Shea of Manchester, Talty, Duffley, Frain, O'Neil, Betley, Dulac, Booth,

Connolly, Sullivan of Manchester, Benoit of Manchester, Ward 7, Gagnon of Manchester, Gaumont, Poirier, Turcotte, Benoit of Manchester, Ward 8, Bouthiette, Brousseau, Constant, Donnelly, Gelinas, Kane, Wedick, Boisvert of Manchester, Plante, Brown of Manchester, Caron of Manchester, Ward 10, Mullen, Roukey, Aubin, Caron of Manchester, Ward 12, Durette, Soucy, Duval, Ladouceur, Rousseau, Thibodeau, Whitaker, Emerson of Milford, Atherton, Cooper, Underhill, Duclos, Belanger, Goulet, Trombly, Sullivan, Thomas F. of Nashua, Sullivan, Timothy J. of Nashua, Berube, Moussette, Fournier, Shea of Nashua, Goyette, Ledoux, Cormier, Grandmaison, Joyce, Wilcox, Hurbonovich, Senechal, Thompson of New Ipswich, Bass, Myhaver.

CHESHIRE COUNTY: Moore, Batchelor, Callahan, Knowlton of Keene, Ellery, Lichman, Phelps, Lane, Chickering, Relihan.

SULLIVAN COUNTY: Hutchins of Claremont, Russell of Claremont, Barton, Donovan, Kempton, Maley, Rowell of Newport, Davison.

GRAFTON COUNTY: Swayne, Noyes of Bethlehem, Leonard, Strobridge, Bowker, Hildebrand, Santy.

COOS COUNTY: Barden, Hinchey, Mason, Paine, Montminy, Palmer of Berlin Smith of Berlin, Ward 2, Trottier, Bisson, Christiansen, Ramsey, Bixby, Fortier, Gagnon of Berlin, Congdon, Marshall, Converse of Pittsburg, Boothman.

### Pairs

Mr. Coakley of Concord voting No paired with Mr. Nash of Concord voting Yes.

And the motion to indefinitely postpone did not prevail.

The question being,  
Shall the bill pass?

On a *viva voce* vote the bill passed and was sent to the Senate for concurrence.

House Bill No. 124, An act closing Nubanusit lake in the towns of Hancock and Nelson and Spoonwood pond in the town of Nelson to ice fishing.

Mr. Callahan of Keene moved that the bill be put back on its second reading for purpose of amendment.

The question being on the motion of Mr. Callahan.

On a *viva voce* vote the motion prevailed and the bill was put back on its second reading.

Mr. Callahan of Keene offered the following amendment:

Amend section 2 by striking out the entire section and inserting in place thereof the following:

2. *Ice Fishing.* Amend paragraph IV of section 5, chapter 155 of the Laws of 1935 as inserted by chapter 96 of the Laws of 1937 by adding at the end thereof the following: and Spoonwood pond in Nelson, so that said paragraph as amended shall read as follows:

IV. Northwood lake in Northwood and Epsom, Nutt pond in Manchester, Partridge lake in Lyman and Littleton, Pleasant lake in New London, Robs reservoir in Stoddard and Spoonwood pond in Nelson.

The question being on the amendment.

Mr. Carpenter of Wolfeboro moved that the bill with the amendment pending be recommitted to the Committee on Fisheries and Game.

On a *viva voce* vote the motion to recommit prevailed.

On motion of Mrs. Caron of Ward 10, Manchester at 1:20 o'clock the House adjourned.

WEDNESDAY, FEBRUARY 22, 1939.

The House met at 11:00 o'clock.

Prayer was offered by the Chaplain.

### Leaves of Absence

Messrs Callahan of Keene and Studley of Rochester were granted leave of absence for the day on account of important business.

Mr. Moore of Alstead was granted leave of absence for the rest of the week on account of illness in family.

### Committee Reports

Mr. Batchelder of Northfield, for the Committee on Claims, to whom was referred House Joint Resolution No. 43, Joint resolution in favor of Merle Elliott, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Normandin of Laconia, for the Committee on Judiciary, to whom was referred House Bill No. 287, An act regulating the transportation of household goods at night time, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Normandin of Laconia, for the Committee on Judiciary, to whom was referred House Bill No. 120, An act relative to the transportation of school pupils, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted.

Mr. Hoyt of Newington moved to substitute the

words "ought to pass" for the words "inexpedient to legislate."

The question being on the motion to substitute.

(Discussion ensued)

Mr. Hoyt of Newington spoke in favor of the motion.

Mr. Etsler of Claremont spoke against the motion.

On a *viva voce* vote the motion to substitute did not prevail.

Mr. Hoyt of Newington called for a division but subsequently withdrew his request.

The question being on the report of the Committee "inexpedient to legislate."

On a *viva voce* vote the resolution of the committee was adopted.

Mr. Greene of Laconia, for the Committee on Public Health, to whom was referred House Bill No. 145, An act relating to the extermination of poison ivy, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Carpenter of Wolfeboro, for the Committee on Fisheries and Game, to whom was referred House Bill No. 245, An act relative to fee for fishing license for women, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Tuttle of Hancock, for the Committee on Public Improvements, to whom was referred House Joint Resolution 16, Joint resolution relating to the improvement of road leading from Rumney to Stinson Lake in the town of Rumney, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.



The report was accepted and the resolution of the committee adopted.

Mr. Carpenter of Wolfeboro, for the Committee on Fisheries and Game, to whom was referred House Bill No. 196, An act opening Oliverian brook in Benton and Warren and Three pond brook in Rumney to fishing, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Carpenter of Wolfeboro, for the Committee on Fisheries and Game, to whom was referred House Bill No. 197, An act relative to fishing from Stinson lake in Rumney, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Carpenter of Wolfeboro, for the Committee on Fisheries and Game, to whom was referred House Bill No. 202, An act relative to the closing of the Old Pennichuck Pond to ice fishing located partly in the town of Hollis and partly in the city of Nashua, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Normandin of Laconia, for the Committee on Judiciary, to whom was referred House Bill No. 188, An act relating to land used for school purposes in Newfields, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Ladouceur of Manchester, for the Committee on Insurance, to whom was referred House Bill No. 277,

An act relating to advertising in so-called tourist guides, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Ladouceur of Manchester, for the Committee on Insurance, to whom was referred House Bill No. 26, An act relating to documents in the office of the insurance commissioner, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Tucker of Rye, for the Committee on Coastwise Improvements, to whom was referred House Joint Resolution No. 30, Joint resolution to establish a commission to investigate the question of a state pier at Portsmouth, reported the same with the recommendation that the joint resolution ought to pass.

The report was accepted and the joint resolution referred to the Committee on Appropriations under the rules.

Mr. Barnard of Manchester, for the Committee on Revision of the Statutes, to whom was referred House Bill No. 326, An act relating to town appropriations, reported the same with the recommendation that the bill ought to pass.

The report was accepted.

Mr. Frissell of Keene, moved that the bill be laid upon the table.

On a *vive voce* vote the motion did not prevail.

Mr. Frissell of Keene, moved that the words "inexpedient to legislate" be substituted for the words "ought to pass".

The question being on the motion to substitute.

(Discussion ensued)

Messrs. Frissell of Keene, Winslow of Chesterfield spoke in favor of the motion.

(Mr. Elkins of Concord in the Chair)

Messrs. Officer of Claremont, Barnard of Manchester, Dow of Lebanon, and Mrs. Hoyt of Lebanon spoke against the motion.

(The Speaker in the Chair)

On a *viva voce* vote the motion to substitute did not prevail.

The question being on the report of the committee that the bill ought to pass.

Mr. Frissell of Keene, moved that the bill be recommitted to the Committee on Revision of the Statutes.

The question being on the motion to recommit.

(Discussion ensued)

Mr. Frissell of Keene spoke in favor of the motion.

Mr. Barnard of Manchester spoke against the motion.

Mr. Fernald of Dover moved the previous question.

The question being,

Shall the main question now be put?

On a *viva voce* vote the previous question was ordered.

The question being on the motion to recommit.

On a *viva voce* vote the motion did not prevail.

The question being on the report of the committee that the bill ought to pass.

Mr. Frissell of Keene asked for a division, but subsequently withdrew his request.

On a *viva voce* vote the report of the committee was accepted and the bill ordered to a third reading.

Mr. Carpenter of Wolfeboro for the Committee on Fisheries and Game, to whom was referred House

Bill No. 234, An act relating to fly and bait fishing for brook trout in Connor pond in Ossipee, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Carpenter of Wolfeboro for the Committee on Fisheries and Game, to whom was referred House Bill No. 44, An act relating to the open season for taking pickerel from Umbagog lake and Leonard pond, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Greene of Laconia for the Committee on Public Health, to whom was referred House Bill No. 232, (in new draft), An act providing for the Incorporation of hospital service companies, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend paragraph VII of section 4 by inserting after the word, "employee" in line eight the words, of the corporation, so that paragraph as amended shall read as follows:

VII. *Acting Without License.* If a person shall act or aid in any manner in the negotiation of hospital service contracts, or shall solicit or receive any risk or application for such service, without a license from the Commissioner, or if the license granted to him or to the corporation for which he acts as agent has been revoked, he shall be fined not more than two hundred dollars, but any contract issued on an application thus procured shall bind the corporation if otherwise valid. The provisions of this section shall not apply to any office employee of the corporation, or to any person

rendering their services without compensation therefor.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mr. Carpenter of Wolfeboro for the Committee on Fisheries and Game, to whom was referred House Bill No. 45, An act relative to the establishment of a fish and game refuge on property of St. Paul's School, reported the same with the following amendments, and the recommendation that the bill as amended ought to pass.

Amend the title by striking out the words "fish and" so that said title as amended shall read as follows:

An act relative to the establishment of a game refuge on property of St. Paul's School.

Amend section 1 by striking out the entire section and inserting in place thereof the following:

1. *Game Refuge.* Amend chapter 202 of the Public Laws, as inserted by section 6, chapter 124 of the Laws of 1935 by inserting after section 11 the following new section:

11-a. *St. Paul's School Game Refuge.* The limitation as to distance between state fish and game refuges, provided for in the preceding section 11, shall not prohibit the establishment of such a game refuge on premises belonging to St. Paul's School in the city of Concord, provided the owners and abutters consent to the establishment of such a refuge, under the procedure set forth in section 11. If such a refuge is established, the boundary on the north of said refuge shall be the Hopkinton Road and the expense of policing the refuge shall be assumed by St. Paul's School.

The report was accepted, the amendments adopted and the bill ordered to a third reading.

Mr. Batchelder of Northfield for the Committee on Claims, to whom was referred House Joint Resolution No. 24, Joint resolution in favor of H. W. Hillier of Lancaster, reported the same with the recommendation that the joint resolution ought to pass.

The report was accepted and the joint resolution referred to the Committee on Appropriations under the rules.

Mr. Boynton of Hillsboro, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 329, An act relative to the issuance of bonds or notes to forward the building program at the University of New Hampshire, and to be liquidated from University income, with the recommendation that the bill be referred to the Committee on Appropriations.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Appropriations.

Mr. Baker of Concord, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 330, An act to close Diamond pond otherwise known as Tom pond in Warner, with the recommendation that the bill be referred to the Committee on Fisheries and Game.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Fisheries and Game.

Mr. Baker of Concord for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 331, An act relating to taxation of stock in trade, with the recommendation that the bill be referred to the Committee on Ways and Means.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Ways and Means.



Mr. Hunter of Hanover for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 332, An act relating to the Fraternal Order of Eagles of Manchester, N. H., with the recommendation that the bill be referred to the Committee on Judiciary.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Judiciary.

Mr. Osborne of Sunapee, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 333, An act requiring notice to the state police of the release or discharge of any person committed to certain institutions in connection with any so-called sex crime or unnatural act, with the recommendation that the bill be referred to the Committee on Judiciary.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Judiciary.

Mr. Baker of Concord, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 334, An act in amendment of the laws relating to the Union School District of Concord, with the recommendation that the bill be referred to the Committee on Revision of the Statutes.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Revision of the Statutes.

### Order Vacated

Mr. Baker of Concord moved that the rules be suspended and the order whereby House Bill No. 334, An act in amendments of the laws relating to the Union School Districts of Concord was referred to the Committee on Revision of the Statutes be vacated and the

bill be referred to a special committee consisting of the Delegation from the City of Concord.

The question being on the motion of Mr. Baker.

(Discussion ensued)

Mr. Baker of Concord spoke in favor of the motion.

On a *viva voce* vote the motion prevailed.

Mr. Boynton of Hillsboro for the Committee on Rules having considered the subject reported the following entitled bill, House Bill No. 335, An act relative to limitation of non-resident students at the University of New Hampshire, with the recommendation that the bill be referred to the Committee on University of New Hampshire.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on University of New Hampshire.

Mr. Osborne of Sunapee, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 336, An act to establish a state labor relations board to promote industrial peace, with the recommendation that the bill be referred to the Committee on Labor.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Labor.

Mr. Hunter of Hanover, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 337, An act authorizing the city of Franklin to issue refunding notes and bonds, with the recommendation that the bill be referred to the Committee on Judiciary.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Judiciary.

Mr. Baker of Concord, for the Committee on Rules, having considered the subject, reported the following

entitled bill, House Bill No. 338, An act for improvements at the state prison, with the recommendation that the bill be referred to the Committee on State Prison.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on State Prison.

Mr. Osborne of Sunapee for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 339, An act for the construction and equipment of a liquor warehouse and office building, with the recommendation that the bill be referred to the Committee on Liquor Laws.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Liquor Laws.

Mr. Boynton of Hillsboro for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 340, An act closing Miller and Stocker ponds in the town of Grantham to ice fishing, with the recommendation that the bill be referred to the Committee on Fisheries and Game.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Fisheries and Game.

Mr. Hunter of Hanover for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 341, An act relative to the protection of state, and other highways, with the recommendation that the bill be referred to the Committee on Public Improvements.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Public Improvements.

Mr. Hunter of Hanover for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 342, An act to provide for additional facilities for handicapped children, with the recommendation that the bill be referred to the Committee on Education.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Education.

On motion of Mr. Etsler of Claremont, the rules were suspended to allow for the presentation of a committee report, which had not previously been advertised in the Journal.

The question being on the motion of Mr. Etsler.

(Discussion ensued)

Mr. Etsler of Claremont spoke in favor of the motion.

On a *viva voce* vote the motion prevailed.

Mr. Normandin of Laconia for the Committee on Judiciary, to whom was referred House Bill No. 244, An act relating to municipal finances, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 by inserting after the word "taxes" in the third line the words, notes issued to pay for damage caused by flood and wind during 1938, so that said section as amended shall read as follows:

1. *Temporary Provisions.* Every municipality which has at the time when this act takes effect outstanding notes payable on demand, overdue notes issued in anticipation of taxes, notes issued to pay for damage caused by flood and wind during 1938, or which has used the principal of trust funds and has not restorted the same, may provide for the payment of such notes and for the restoration of such trust

funds in whole or in part in the tax levy of 1939 or 1940, and shall borrow not exceeding in the aggregate the amount, if any, required for paying the balance of such notes and restoring the balance of such trust funds, and issue bonds or notes therefor payable serially in the manner provided in chapter 59 of the Public Laws covering a period not exceeding fifteen years from the date of issue. With money so provided said notes shall be paid and said trust funds restored in 1939 or 1940.

Amend said bill by inserting after section 1 the following new section:

2. Money lawfully may be raised at the regular town meetings in 1939 for the purpose of paying or refunding notes issued to pay for damage caused by flood and wind during 1938, notwithstanding the fact that no article dealing with such an appropriation may have been inserted in the warrant warning the meeting.

Further amend said bill by renumbering section 2, section 3.

The report was accepted, the amendment adopted and the bill ordered to a third reading.

On motion of Mr. Etsler of Claremont the rules were further suspended and the bill was put on its third reading and final passage, by title, at the present time.

The bill was then read a third time and passed and sent to the Senate for concurrence.

### Resolutions

Mr. Pulsifer of Campton, offered the following resolution:

*Whereas*, the House of Representatives has learned with sorrow of the death of our fellow member, Lester M. Avery of Holderness, therefore

*Be It Resolved*, That we, the members of the New Hampshire House of Representatives, attest our appreciation of his loyal citizenship; his record of devoted and faithful public service in the New Hampshire General Court; and be it further

*Resolved*, That this resolution be printed in our Journal, and that a copy be sent to the family with the assurance of our sincere sympathy with them in their bereavement.

BERTRAM W. PULSIFER  
KENNETH G. BELL  
HARRY A. MERRILL  
EDGAR H. HUNTER  
SHIRLEY C. LEONARD

*Committee on Resolutions.*

The resolution was unanimously adopted by a rising vote.

Mrs. Cooper of Nashua, offered the following resolution:

*Resolved*, That when the House adjourns today, it adjourn in honor of George Washington.

The resolution was unanimously adopted by a rising vote.

### Message from the Senate

A message from the Honorable Senate by its clerk announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bills, sent up from the House of Representatives:

House Bill No. 108, An act relative to permanent improvements and additional facilities at the Tramway.

House Bill No. 146, An act relating to the registration of nurses.



The message further announced that the Senate had voted to adopt the amendments offered by the Committee on Engrossed Bills, to the following house bills, in the adoption of which amendments the Senate asked the concurrence of the House of Representatives:

House Bill No. 116, An act relating to the practice of veterinary medicine.

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1. *Veterinary Medicine, Practice of.* Amend section 9 of chapter 209 of the Public Laws, as amended by section 3, chapter 87, Laws of 1929, by striking out said section and inserting in place thereof the following: 9. *Examinations.* Before such application is granted, said board shall require the applicant to submit to an examination as to his qualifications for such practice, in manner and form and on such subjects as are prescribed by said board. Provided, however, that no applicant shall be eligible for such examination until he has satisfied the board that he is a graduate of a veterinary college recognized as such by the American Veterinary Medical Association and by the Bureau of Animal Industry, United States Department of Agriculture, and having a course of study of not less than four school years of not less than six months each.

Should an applicant fail to pass a satisfactory examination he shall not be eligible for a second examination within six months.

On motion of Mr. Elkins of Concord, the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 130, An act authorizing the town of Newmarket to issue refunding notes or bonds.

Amend section 4 of said bill by inserting after the word "Newmarket" in the fourth line the words and figures, during the year 1939.

On motion of Mr. Elkins of Concord, the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

The message also announced that the Senate concurred with the House of Representatives in the passage of the following entitled bill, with amendments, in the passage of which amendments the Senate asked the concurrence of the House of Representatives:

House Bill No. 35, An act relating to the charter of the city of Somersworth.

Amend said bill by striking out all after section 2 and inserting in place thereof the following:

3. *Council.* At the municipal election to be held on the Tuesday following the first Monday in November, 1939, and biennially thereafter, each ward shall elect two councilmen. The term of office of each shall be for two years and until his successor shall be chosen and qualified in his stead.

4. *Administration.* The administration of the fiscal, prudential and general municipal affairs of said city and the government thereof shall be vested in one principal officer to be called a mayor and a board of ten members to be called the Council. The mayor and council shall act as one body to be called the City Council.

5. *Mayor.* The mayor shall be chosen at the municipal election for a term of two years and shall receive a salary of seven hundred dollars per annum. He shall have a negative upon all the acts of the council to which his veto power would extend had the city gov-

ernment herein constituted provided for a board of aldermen, and such veto shall extend to individual items of appropriation. He shall preside in the meetings of the city council, but shall have no vote except in case of an equal division. In the absence of the mayor, the council may elect by ballot one of the members chairman who shall have all the powers of performing all the duties of the mayor during such absence, or during disability or a vacancy in office from any cause.

6. *City Clerk.* The mayor and city council shall take their respective oaths on the first Tuesday of January following their election, and at such time shall choose by ballot a city clerk whose term of office shall continue for two years, and until another shall be chosen and qualified to act in his stead. The term of office of the city clerk, elected on the third Tuesday of March, 1937, is hereby extended to the first Tuesday of January, 1940.

7. *Selectmen.* At the municipal election to be held on the Tuesday following the first Monday in November, 1939, and biennially thereafter, three selectmen shall be elected by and from the qualified voters of each ward who shall hold their respective offices for the term of two years and until others shall be chosen and qualified to act in their stead.

8. *School Board.* At the municipal election to be held on the Tuesday following the first Monday in November, 1939, and biennially thereafter, one member of the school board shall be elected from each ward for a term of two years. The city council shall, between the third and the last day of January, 1940, and biennially thereafter, elect five members of said school board to serve for two years each. The persons so elected by the said wards and the city council shall

be residents of said city and shall constitute said school board and their terms of office shall begin on the first Tuesday of February next after their respective elections.

9. *Tenure of Office of Present Officers.* The term of each officer elected at the annual municipal election, except the school board, whose term would otherwise have expired in March, 1939, is hereby extended to the first Tuesday of January, 1940, and the term of each other such officer of said city holding office prior to said first Tuesday in January, 1940, shall expire on said date. The term of office of each member of the school board elected at the annual municipal election whose term would otherwise have expired in April, 1939, is hereby extended to the first Tuesday of February, 1940, and the term of office of each other member of the school board holding office prior to the first Tuesday of February, 1940, shall expire on said date.

10. *Appointive Officers.* In order that the purposes of this act for holding the municipal election biennially instead of annually may be carried out the mayor and council are hereby authorized to extend the term of office of persons whose terms under said appointments would otherwise expire to the first Tuesday of January, 1940, to said date.

11. *Takes Effect.* This act shall take effect upon its passage.

The reading of the amendments having commenced on motion of Mr. Boucher of Somersworth, further reading of the amendments was dispensed with.

On motion of Mr. Boucher of Somersworth, the House concurred in the adoption of the amendments sent down from the Honorable Senate.

The bill was then sent to the Secretary of State to be engrossed.

On motion of Mr. Fernald of Dover, the rules were suspended, business in order at three o'clock this afternoon was made in order at the present time.

### Third Readings

On motion of Mr. Fernald of Dover, the rules were suspended and the third readings of bills by their titles were in order.

House Bill No. 26, An act relating to documents in the office of the insurance commissioner.

House Bill No. 44, An act relating to the open season for taking pickerel from Umbagog lake and Leonard pond.

House Bill No. 45, An act relative to the establishment of a game refuge on property of St. Paul's School.

House Bill No. 188, An act relating to land used for school purposes in the town of Newfields.

House Bill No. 232 (in new draft), An act providing for the incorporation of hospital service companies.

House Bill No. 234, An act relating to fly and bait fishing for brook trout in Connor pond in Ossipee.

House Bill No. 277, An act relating to advertising in so-called tourist guides.

Severally read a third time and passed and sent to the Senate for concurrence.

House Bill No. 326, An act relating to town appropriations.

Read a third time.

The question being shall the bill pass?

(Discussion ensued)

Messrs, Duncan of Jaffrey, Frissell of Keene and Emerson of Milford, spoke against the motion.

Mr. Shaw of Franklin spoke in favor of the motion.

Mr. Frissell of Keene moved that the bill be indefinitely postponed.

On a *viva voce* vote the motion to indefinitely postpone did not prevail.

Mr. Frissell of Keene called for a division.

On a division vote less than two thirds of the members elected being present and voting and less than two thirds of those voting having voted in either the affirmative or negative, no valid action was taken and the bill went into unfinished business.

On motion of Mr. Fernald of Dover, at 12:55 o'clock the House adjourned.

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#### THURSDAY, FEBRUARY 23, 1939.

The House met at 11:00 o'clock.

Prayer was offered by the Chaplain.

#### Leaves of Absence

Messrs. Caron of Ward 12, Manchester, and Neal of Meredith were granted leave of absence for the day on account of important business.

Mr. Foster of Milford was granted leave of absence for the day on account of illness.

Mr. Cannell of Lebanon was granted leave of absence for the day on account of attending a funeral.

#### Committee Reports

Mrs. Batchelder of Hanover for the Committee on Engrossed Bills, reported that the committee had examined and found correctly engrossed the following entitled bills:

House Bill No. 130, An act authorizing the town of Newmarket to issue refunding notes or bonds.

House Bill No. 16, An act closing Robinson pond in the town of Hudson to all fishing.

The report was accepted.



Mr. Ingham of Winchester for the Committee on Public Improvements to whom was referred House Joint Resolution No. 1, Joint resolution for the construction and improvement of a road in the town of Weare, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Witherill of Cornish for the Committee on Public Improvements to whom was referred House Joint Resolution No. 36, Joint resolution for the improvement of the Sandown road in the town of Fremont, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Cormier of Nashua for the Committee on Revision of Statutes to whom was referred House Bill No. 298, An act relating to licenses to operate motor vehicles, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Cormier of Nashua for the Committee on Revision of Statutes to whom was referred House Bill No. 184, An act to provide for the disbursement of motor fines, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Cormier of Nashua for the Committee on Revision of Statutes to whom was referred House Bill No. 144, An act relative to tractor and truck used for agricultural purpose only, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Cormier of Nashua for the Committee on Revision of Statutes to whom was referred House Bill No. 191, an act to punish wilful injury to property, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Dugan of Wilton for the Committee on Public Improvements to whom was referred House Joint Resolution No. 21, Joint resolution for the improvement of the Province road in the town of Gilmanton, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Carpenter of Wolfeboro for the Committee on Fisheries and Game to whom was referred House Bill No. 151, An act relative to the taking of trout, salmon and lake trout, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate; subject matter covered by other legislation.

The report was accepted and the resolution of the committee adopted.

Mr. Carpenter of Wolfeboro for the Committee on Fisheries and Game to whom was referred House Bill No. 262, An act relative to taking ruffed grouse, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Carpenter of Wolfeboro for the Committee on Fisheries and Game to whom was referred House Bill

No. 97, An act relating to state fish and game refuges, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Carpenter of Wolfeboro, for the Committee on Fisheries and Game, to whom was referred House Bill No. 273, An act relating to the use of firearms on public highways, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Normandin of Laconia, for the Committee on Judiciary, to whom was referred House Bill No. 255, An act providing for an extension of the act relative to the issuance with state guarantee of emergency notes and bonds by towns, cities and counties, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Holt of Claremont, for the Special Committee consisting of the Delegation from Sullivan County, to whom was referred Senate Bill No. 4, An act to increase the salary of the County Treasurer of Sullivan County, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Hambleton of Goffstown, for the Committee on Insurance, to whom was referred Senate Bill No. 1, An act authorizing joint control by sureties, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Carpenter of Wolfeboro, for the Committee on Fisheries and Game, to whom was referred House Bill No. 23, An act relating to ice fishing in Newfound Lake, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 by striking out in lines 5 and 8 the words, "fifteenth day of March" and inserting in place thereof the words, sixteenth day of February, so that said section as amended shall read as follows:

1. *Newfound Lake.* Amend Section 5b, Chapter 155 of the Laws of 1935 as inserted by Chapter 188 of the Laws of 1937, by striking out in the last line the words "during the month of January" and inserting in place thereof the words "from the fifteenth day of January until the sixteenth day of February" so that said section as amended shall read: 5-b. *Newfound Lake.* Newfound Lake is closed to fishing through the ice except from the fifteenth day of January until the sixteenth day of February.

The report was accepted, the amendment adopted and the bill ordered to a third reading.

Mr. Carpenter of Wolfeboro, for the Committee on Fisheries and Game, to whom was referred House Bill No. 280, An act to regulate the taking of brook trout in Trio ponds in Odell, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 by striking out the entire section and inserting in place thereof the following:

1. Amend paragraph III of section 2, chapter 155 of the Laws of 1935 as inserted by section 1, chapter 144 of the Laws of 1937 by striking out the entire paragraph and inserting in place thereof the following:

III. Pine river in Effingham, Wakefield and Ossipee, Pleasant pond in Deerfield, Poverty pond in Hill, Robartwood lake in Campton, Rocky Bound pond in Croydon, Round pond in Pittsburg and Trio ponds in Odell.

The report was accepted, the amendment adopted and the bill ordered to a third reading.

Mr. Cormier of Nashua, for the Committee on Revision of the Statutes, to whom was referred House Bill No. 281, An act relative to recipients of old age assistance, reported the same in new draft with the recommendation that the bill in its new draft be re-committed to the Committee on Revision of the Statutes.

The report was accepted, the bill in its new draft read a first and second time, laid upon the table to be printed and re-committed to the Committee on Revision of the Statutes.

Mr. Cormier of Nashua for the Committee on Revision of the Statutes, to whom was referred House Bill No. 279, An act fixing the amount of old age assistance grants, reported the same in new draft, with the recommendation that the bill in its new draft be re-committed to the Committee on Revision of the Statutes.

The report was accepted, the bill in its new draft read a first and second time, laid upon the table to be printed and re-committed to the Committee on Revision of the Statutes.

Mr. Cormier of Nashua for the Committee on Revision of the Statutes, to whom was referred House Bill No. 322, An act in amendment of paragraph IV, section 1, chapter 99 of the Public Laws relating to motor vehicles, as amended by laws of 1927, chapter 52, section 1, and laws of 1935, chapter 73, section 2, reported the same in new title, with the recommen-

dation that the bill in its new title be recommitted to the Committee on Revision of the Statutes.

Amend the title by striking out the whole of said title and inserting in place thereof the following: An act relating to the definition of dealer in the law relating to motor vehicles.

The report was accepted, the bill with its new title read a first and second time, laid upon the table to be printed and recommitted to the Committee on Revision of the Statutes.

Mr. Baker of Concord for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 343, An act relative to the powers of the state board of health, with the recommendation that the bill be referred to the Committee on Public Health.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Public Health.

Mr. Osborne of Sunapee for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 344, An act relating to occupational diseases, with the recommendation that the bill be referred to the Committee on Public Health.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Public Health.

On motion of Mr. Callahan of Keene,

*Resolved*, That when the House adjourns this morning it be to meet Friday morning at 9 o'clock, and that when it then adjourns it adjourns to meet Monday evening at 6 o'clock.

### Personal Privilege

Mr. St. Francois of Nashua rose to a question of personal privilege and stated that he was unavoidably



detained when the vote was taken on House Bill No. 85, An act relating to the sale of beverages on election days after the polls are closed. Had he been present he would have voted "no" on the question.

### Message from the Senate

A message from the Honorable Senate by its Clerk announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bills, sent up from the House of Representatives:

House Bill No. 56, An act transferring the administration of aid to the deaf from the Board of Public Welfare to the Board of Education.

House Bill No. 136, An act relating to report of sale.

House Bill No. 137, An act relating to bonds.

House Bill No. 168, An act legalizing the action of the Bethlehem Village District annual meeting.

The message further announced that the Senate had passed a bill with the following title, in the passage of which it asked the concurrence of the House of Representatives:

Senate Bill No. 14, An act designating the White Mountain Highway.

### Senate Bill Read and Referred

Senate Bill No. 14, An act designating the White Mountain Highway.

Read a first and second time and referred to the Committee on Judiciary.

The message also announced that the Senate refused to concur with the House of Representatives in the passage of the following entitled bill, sent up from the House of Representatives:

House Bill No. 166, An act to authorize the town of Henniker to purchase water power property in said town.

### Concurrent Resolution

Mr. Pennell of Exeter offered the following concurrent resolution:

Enlarging the scope of the State Library Joint Committee to include also the field of the Public Library Commission.

*Resolved by the Senate and House of Representatives in General Court convened:*

That Joint Rule No. 7 be amended by adding after State Library the words "and Public Library Commission" so that the rule as amended shall read: "There shall be a committee, to consist of three members of the House and one of the Senate, on each of the following subjects, to wit: On all matters relative to the State Library and the Public Library Commission, and on all matters relative to the State House and State House yard."

The resolution was referred to the Committee on Rules.

### Resolution

Mr. Atherton of Nashua offered the following resolution:

*Resolved*, That the Committee on Banks be permitted the use of Representative's Hall on Tuesday, February 28 at 1:30 P. M., for a hearing on House Bill No. 251, An act to authorize branch banking.

On a *viva voce* vote the resolution was adopted.

### Unfinished Business

Mr. Dugan of Wilton called for unfinished business, it being, House Bill No. 326, An act relating to town appropriations, but subsequently withdrew his request.

On motion of Mr. Fernald of Dover, the rules were suspended, business in order at three o'clock this afternoon was made in order at the present time.

### Third Readings

On motion of Mr. Fernald of Dover, the rules were suspended and the third readings of bills by their titles were in order.

Senate Bill No. 1, An act authorizing joint control by sureties.

Senate Bill No. 4, An act to increase the salary of the County Treasurer of Sullivan County.

Severally read a third time and passed and sent to the Secretary of State to be engrossed.

House Bill No. 23, An act relating to ice fishing in Newfound lake.

House Bill No. 255, An act providing for an extension of the act relative to the issuance with state guarantee of emergency notes and bonds by towns, cities and counties.

House Bill No. 280, An act regulating the taking of brook trout in Trio ponds in Odell.

Severally read a third time and passed and sent to the Senate for concurrence.

On motion of Mr. Pray of Rochester at 11:55 o'clock the House adjourned.

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FRIDAY, FEBRUARY 24, 1939.

The House met at 9:00 o'clock.

The following letter was read by the Clerk:

MONDAY, FEBRUARY 27, 1939

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Friday, February 24, 1939.

Mr. George H. Nash,  
Concord, N. H.

DEAR SIR:

I shall be unable to attend the session on Friday morning. Will you kindly preside for me and oblige.

Yours respectfully,

ANSEL N. SANBORN,  
*Speaker.*

There being no quorum present at 9:01 o'clock the House adjourned.

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MONDAY, FEBRUARY 27, 1939.

The House met at 6:00 o'clock.

The following letter was read by the Clerk:

Monday, February 27, 1939.

Mr. Fred H. Noyes,  
Stewartstown, N. H.

DEAR SIR:

I shall be unable to attend the session on Monday evening. Will you kindly preside for me and oblige.

Yours respectfully,

ANSEL N. SANBORN,  
*Speaker.*

There being no quorum present at 6:01 o'clock the House adjourned.

TUESDAY, FEBRUARY 28, 1939.

The House met at 11:00 o'clock.

Prayer was offered by the Chaplain.

### Introduced

Mrs. Alice Converse of Pittsburg was introduced to the House.

### Leaves of Absence

Messrs. Turcotte of Manchester, Congdon of Colebrook and Ladouceur of Manchester were granted leave of absence for the day on account of important business.

Mr. Kelsea of Colebrook was granted leave of absence for Tuesday and Wednesday on account of important business.

### Committee Reports

Mr. Brown of Meredith for the Committee on Public Improvements, to whom was referred House Joint Resolution No. 25, Joint resolution for the improvement of the Bennington road so-called in the town of Francestown, reported the same with the following resolution:

*Resolved*, that it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mrs. Christiansen of Berlin for the Committee on Transportation, to whom was referred House Bill No. 293, An act relating to revocation of motor vehicle license and registration for non-payment of gasoline bills, reported the same with the following resolution:

*Resolved*, that it is is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. St. Francois of Nashua, for the Committee on Military Affairs, to whom was referred House Joint Resolution No. 47, Joint resolution in favor of the New Hampshire Veterans' Association, reported the same with the following amendment, and the recommendation that the joint resolution as amended ought to pass:

Amend by inserting after "1938" in line five the words, and for maintenance of all buildings, so that said resolution as amended shall read as follows:

That the sum of six thousand dollars (\$6000) be and hereby is appropriated for the fiscal year ending June 30, 1939, and a like sum for the fiscal year ending June 30, 1940, to replace buildings owned by the New Hampshire Veterans' Association at The Weirs damaged or destroyed by the storm of September 21, 1938, and for maintenance of all buildings. Said appropriation for each of the fiscal years named above shall be expended under the supervision of a commission of three appointed by the governor and council, who shall serve without pay, one member from the United Spanish War Veterans' Association, one member from the American Legion, and one member from the Veterans' of Foreign Wars association, and the governor is authorized to draw his warrant for the payment of said sums out of any money in the treasury not otherwise appropriated.

The report was accepted, the amendment adopted and the joint resolution referred to the Committee on Appropriations, under the rules.

Mrs. Caron of Manchester, for the Committee on Laconia State School, to whom was referred House Bill No. 149, An act providing for improvements at the Laconia State School, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill referred to the Committee on Appropriations, under the rules.



Mrs. Bixby of Berlin, for the Committee on Liquor Laws, to whom was referred Senate Bill No. 15, An act relating to solicitor's permits, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mrs. Christiansen of Berlin, for the Committee on Transportation, to whom was referred House Bill No. 106, An act relating to registration fees for vehicles carrying special equipment, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass:

Amend section 1 by inserting after the words "cement mixers" in lines twenty and thirty-six the words, saw rigs, so that said section as amended shall read as follows:

1. *Fees for Special Equipment.* Amend paragraph III of section 1 of chapter 102 of the Public Laws as amended by chapter 94 of the Laws of 1927 as amended by chapter 45 of the Laws of 1935, by adding at the end of said paragraph the following: Well drilling machines on motor vehicle truck chassis shall pay one-third of the above rates. Cement mixers, saw rigs, and air compressors towed by motor vehicles shall pay one-tenth of the above rates except when towed exclusively within the limits of a single city or incorporated town, in which case no fees for registration shall be collected, so that said paragraph as amended shall read: "III. For each motor vehicle, including trailers and semi-trailers equipped with pneumatic tires, except motor cycles and motor cycle side cars, the following rates based on the gross weight of the vehicle and load: All vehicles and load not exceeding four thousand pounds, thirty-five cents per hundred pounds; exceeding four thousand pounds and not exceeding six thousand pounds, forty-five cents per hundred pounds; exceeding six thousand pounds and

not exceeding eight thousand pounds, fifty cents per hundred pounds; exceeding eight thousand pounds, sixty cents per hundred pounds. For all vehicles equipped with hard rubber tires the sum of twenty cents per hundred pounds shall be added to the above rates. For all vehicles equipped with iron, steel or other hard tires the sum of forty cents per hundred pounds shall be added to the above rates; provided, that the minimum fee as provided in this section shall be ten dollars for passenger vehicles and fifteen dollars for trucks. Tractors used for agricultural purposes only, tractors used for power purposes only that do not haul loads on the public highways, tractors used only on snow, and snowmobiles, shall pay one-tenth of the above rates. Commercial vehicles or trucks used for agricultural purposes only and used on the public highways only between portions of the farm upon which said vehicle or truck is operated that are not more than two miles apart by the highway at the points of entering upon or leaving, shall pay one-tenth of the above rates. Well drilling machines on motor vehicle truck chassis and truck shovels or motor vehicle truck chassis shall pay one-third of the above rates. Cement mixers, saw rigs and air compressors towed by motor vehicles shall pay one-tenth of the above rates except when towed exclusively within the limits of a single city or incorporated town, in which case no fees for registration shall be collected."

The report was accepted, the amendment adopted and the bill ordered to a third reading.

Mr. Barnard of Manchester, for the Committee on Revision of Statutes, to whom was referred House Bill No. 314, An act in relation to timber salvage, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend by striking out all after the enacting clause and inserting in place thereof the following:

1. Amend section 4, chapter 42 of the Public Laws by adding after paragraph XXVIII, as inserted by section 2, chapter 119 of the Laws of 1937, a new paragraph as follows:

XXIX. *Timber Salvage.* To defray the expense of building approaches other than public highways to bodies of water and other sites where timber is to be stored, designated by the Northeastern Timber Salvage Administration for storage and manufacture of down timber, and to lease whatever land may be necessary to facilitate the storage and preservation of down timber and lumber manufactured therefrom.

2. Appropriations under the foregoing paragraphs may be made at the town meeting of March 14, 1939, without a special article being inserted in the warrant calling such meeting.

3. This act shall expire on January 1, 1945.

4. This act shall take effect upon its passage.

The report was accepted, the amendment adopted and the bill ordered to a third reading.

Mr. St. Francois of Nashua, for the Committee on Military Affairs, to whom was referred House Joint Resolution No. 6, Joint resolution relating to a memorial to perpetuate the memory of the war with Spain, the Philippine insurrection and the China relief expedition, so called, reported the same with the following resolution:

*Resolved,* That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

### Message from the Senate

A message from the Honorable Senate by its Clerk announced that the Senate had voted to concur with

the House of Representatives in the passage of the following entitled bills, sent up from the House of Representatives:

House Bill No. 91, An act closing Wash pond in Hampstead to ice fishing.

House Bill No. 114, An act relating to non-resident fur dealers.

House Bill No. 244, An act relating to municipal finances.

The message also announced that the Senate concurred with the House of Representatives in the passage of the following entitled bills with amendments in the passage of which amendments the Senate asked the concurrence of the House of Representatives:

House Bill No. 9, An act relating to horse racing and creating a State Racing Commission.

Amend section 1 of said bill by striking out the figure "1944" and inserting in place thereof the figure, 1942, and further amend said section by inserting after the word "four" in the last line the words, and one quarter, so that said section as amended shall read as follows:

1. *Pari Mutuel Pools.* Amend section 14, chapter 27, of the Laws of 1935, by striking out the said section and inserting in place thereof the following: 14. *Pari Mutuel Pools.* Within the enclosure of any race track where is held a race or race meet licensed and conducted under this act, but not elsewhere, the sale of pari mutuel pools by the licensee under such regulations as may be prescribed by said commission is hereby permitted and authorized during the calendar years 1939 to 1942, inclusive. Commission on such pools shall in no event and at no track exceed ten per cent (10%) of each dollar wagered, plus the odd cents of all redistribution to be based on each dollar wagered exceeding a sum equal to the next lowest multiple of

ten, known as "breakage", one half of which "breakage" shall be retained by the licensee and the balance shall be paid to the state treasurer for the use of the state as provided by other sections of this act. Said maximum shall include the four and one quarter per cent ( $4\frac{1}{4}$ ) tax hereinafter prescribed.

Amend said bill by inserting after section 2 thereof the following new section: 3. *Prohibition*. Amend chapter 27 of the Laws of 1935 by inserting after section 21 the following new section: 21-a. *Prohibition*. No person, association or corporation conducting a racing plant under the provisions of this act, nor the commission, shall employ at said racing plant, during the time in which the general court is in session, any person who is a member of said general court.

Further amend said bill by renumbering section 3 to read section 4.

Amend section 2 of said bill by striking out said section and inserting in place thereof the following:

2. *Pari Mutuel Pools*. Amend section 15 of said chapter 27 by striking out said section and inserting in place thereof the following: 15. *Tax*. Each person, association or corporation licensed to conduct a race or race meet under this act shall pay to the state treasurer a sum equal to four and one quarter per cent of the total contributions to all pari mutuel pools conducted or made at any race or race meet licensed under this act. Of the amount so paid to the state treasurer a sum equal to four per cent of said total contributions shall be distributed in accordance with the provisions of section 2 of said chapter 27 of the Laws of 1935, and a sum equal to one quarter of one per cent of said total contributions shall be expended for the promotion of agriculture in the state under the direction of the commissioner of agriculture. Each person, association or corporation licensed to



conduct a race or race meet under this act also shall pay to the city or town treasurer in which the racing plant is located the sum of two hundred and fifty dollars for each day of racing, provided said person, association or corporation has a license to conduct races or race meets for more than eight days during the year for which the license is issued. If said person, association or corporation has a license to conduct races or race meets for less than eight days during the year for which the license is issued, the per diem fee to be paid to the city or town treasurer shall be determined by the commission.

The report was accepted.

The reading of the amendments having commenced on motion of Mr. Tilton, Ward 4, Laconia, further reading of the amendment was dispensed with.

Mr. Merrow of Ossipee moved that the House non concur in the amendments sent down by the Honorable Senate and that a committee of conference be appointed.

The question being on the motion of Mr. Merrow.

Mr. Duncan of Jaffrey moved that the House concur in the amendments sent down by the Honorable Senate.

The question being on the motion of Mr. Duncan.

(Discussion ensued)

Messrs, Tilton, Ward 4, Laconia, Etsler of Claremont, spoke against the motion.

Messrs. Duncan of Jaffrey, Hunter of Hanover, and Sherry of Dover spoke for the motion.

Mr. Tilton, Ward 4, of Laconia, moved the previous question.

The question being,

Shall the main question now be put?

On a *viva voce* vote the previous question was ordered.



The question being on the motion of Mr. Duncan.

Mr. Duncan of Jaffrey moved that the amendments be taken up *ad seriatum*, and in voting of this question, if the House should vote in the negative, on any of the amendments a motion to appoint a committee of conference will be in order.

The question being,

Shall the House concur in the following amendment sent down from the Honorable Senate?

Amend section 1 of said bill by striking out the figure "1944" and inserting in place thereof the figure, 1942, and further amend said section by inserting after the word "four" in the last line the words, and one quarter, so that said section as amended shall read as follows:

1. *Pari Mutuel Pools.* Amend section 14, chapter 27, of the Laws of 1935, by striking out the said section and inserting in place thereof the following: 14. *Pari Mutuel Pools.* Within the enclosure of any race track where is held a race or race meet licensed and conducted under this act, but not elsewhere, the sale of pari mutuel pools by the licensee under such regulations as may be prescribed by said commission is hereby permitted and authorized during the calendar years 1939 to 1942, inclusive. Commission on such pools shall in no event and at no track exceed ten per cent (10%) of each dollar wagered, plus the odd cents of all redistribution to be based on each dollar wagered exceeding a sum equal to the next lowest multiple of ten, known as "breakage," one-half of which "breakage" shall be retained by the licensee and the balance shall be paid to the state treasurer for the use of the state as provided by other sections of this act. Said maximum shall include the four and one quarter per cent ( $4\frac{1}{4}\%$ ) tax hereinafter prescribed.

Mr. Duncan of Jaffrey asked for a division.

A division being had, 214 members voted in the affirmative and 156 members voted in the negative, and the House concurred in the amendment.

The question being,

Shall the House concur in the following amendment?

Amend said bill by inserting after section 2 thereof the following new section: 3. *Prohibition*. Amend chapter 27 of the Laws of 1935 by inserting after section 21 the following new section: 21-a. *Prohibition*. No person, association or corporation conducting a racing plant under the provisions of this act, nor the commission, shall employ at said racing plant, during the time in which the general court is in session, any person who is a member of said general court.

Further amend said bill by renumbering section 3 to read section 4.

Mr. Duncan of Jaffrey asked for a division.

A division being had, 125 members voted in the affirmative and 185 members voted in the negative, and the House refused to concur in the amendment.

The question being,

Shall the House concur in the following amendment?

Amend section 2 of said bill by striking out said section and inserting in place thereof the following:

2. *Pari Mutuel Pools*. Amend section 15 of said chapter 27 by striking out said section and inserting in place thereof the following: 15. *Tax*. Each person, association or corporation licensed to conduct a race or race meet under this act shall pay to the state treasurer a sum equal to four and one quarter per cent of the total contributions to all pari mutuel pools conducted or made at any race or race meet licensed under this act. Of the amount so paid to the state treasurer a sum equal to four per cent of said total contribution shall be distributed in accordance with the provisions

of section 2 of said chapter 27 of the Laws of 1935, and a sum equal to one quarter of one per cent of said total contributions shall be expended for the promotion of agriculture in the state under the direction of the commissioner of agriculture. Each person, association or corporation licensed to conduct a race or race meet under this act also shall pay to the city or town treasurer in which the racing plant is located the sum of two hundred and fifty dollars for each day of racing, provided said person, association or corporation has a license to conduct races or race meets for more than eight days during the year for which the license is issued. If said person, association or corporation has a license to conduct race or race meets for less than eight days during the year for which the license is issued, the *per diem* fee to be paid to the city or town treasurer shall be determined by the commission.

(Discussion ensued)

Messrs. Merrow of Ossipee, Chase of Manchester, Sanderson of Pittsfield, Martin of Keene and Tilton of Ward 4, Laconia, spoke against the motion.

Mr. Sherry of Dover spoke for the motion.

Mr. Tilton, Ward 4, of Laconia moved the previous question.

The question being.

Shall the main question now be put?

On a *viva voce* vote the previous question was ordered. The question being to concur in the amendment.

Mr. Freeman of Concord called for a division.

A division being had 150 members voted in the affirmative and 255 members voted in the negative and the House refused to concur in the amendment.

On motion of Mr. Merrow of Ossipee a committee of conference was appointed.

The Speaker appointed as members on such a committee on the part of the House, Messrs. Merrow of Ossipee, Barnard of Manchester and Booth of Manchester.

### Unfinished Business

Mr. Barnard of Manchester called for unfinished business, it being,

House Bill No. 326, An act relating to town appropriations.

The question being,

Shall the bill be indefinitely postponed?

On a *viva voce* vote the motion to indefinitely postpone did not prevail.

The question being,

Shall the bill be read a third time?

On motion of Mr. Barnard of Manchester the bill was put back on its second reading.

On motion of Mr. Barnard of Manchester the bill was recommitted to the Committee on Revision of Statutes.

On motion of Mr. Fernald of Dover, the rules were suspended, business in order at three o'clock this afternoon was made in order at the present time.

### Third Readings

The rules were suspended and the third readings of bills by their titles made in order.

House Bill No. 106, An act relating to registration fees for vehicles carrying special equipment.

House Bill No 314, An act in relation to timber salvage.

Severally read a third time and passed and sent to the Senate for concurrence.

Senate Bill No. 15, An act relating to solicitor's permits.

Read a third time and passed and sent to the Secretary of State to be engrossed.

On motion of Mr. Elkins of Concord, at 12:20 o'clock the House adjourned until 11:00 o'clock tomorrow morning.

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WEDNESDAY, MARCH 1, 1939.

The House met according to adjournment.

Prayer was offered by the Chaplain.

**Leaves of Absence**

Mr. Avery of Kingston was granted leave of absence for the week on account of illness.

Mr. Prescott of Newton was granted leave of absence for the day on account of illness in family.

Mr. Michie of Deering was granted leave of absence for the remainder of the week on account of important business.

Mr. Bullock of Richmond was granted leave of absence for the week on account of illness.

**Committee Reports**

Mr. Sawyer of Woodstock, for the Committee on Engrossed Bills, reported that the committee had examined and found correctly engrossed the following entitled bills:

Senate Bill No. 4, An act to increase the salary of the county treasurer of Sullivan county.

House Bill No. 56, An act transferring the administration of aid to the deaf from the board of public welfare to the board of education.

House Bill No. 116, An act relating to the practice of veterinary medicine.

House Bill No. 244, An act relating to municipal finances.

House Bill No. 35, An act relating to the charter of the city of Somersworth.

The report was accepted.

Mrs. Christiansen of Berlin, for the Committee on Transportation, to whom was referred House Bill No. 109, An act relating to the registration of semi-trailers, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Normandin of Laconia, for the Committee on Judiciary, to whom was referred House Bill No. 296, An act relating to the celebration of LaFayette's birthday, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Normandin of Laconia, for the Committee on Judiciary, to whom was referred House Bill No. 192, An act to improve deeds of real estate, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Normandin of Laconia, for the Committee on Judiciary, to whom was referred House Bill, No. 229, An act in relation to referendum on flood control, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Normandin of Laconia, for the Committee on Judiciary, to whom was referred House Bill No. 283,



An act legalizing the March 1934 election in the town of Canaan, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Carpenter of Wolfeboro, for the Committee on Fisheries and Game, to whom was referred House Bill No. 67, An act relating to taking of fish by nets and traps, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Atherton of Nashua, for the Committee on Nashua Delegation, to whom was referred House Bill No. 183, An act to amend the city charter of Nashua, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Normandin of Laconia, for the Committee on Judiciary, to whom was referred House Bill No. 94, An act relating to small municipal water works, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Barnard of Manchester, for the Committee on Revision of Statutes, to whom was referred House Bill No. 132, An act relating to distraint, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Barnard of Manchester, for the Committee on Revision of Statutes, to whom was referred House Bill

No. 133, An act regarding tax liens on real estate, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Barnard of Manchester, for the Committee on Revision of Statutes, to whom was referred House Bill No. 135, An act relating to abatement, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Normandin of Laconia, for the Committee on Judiciary, to whom was referred House Bill No. 96, An act relative to legal holidays, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Carpenter of Wolfeboro, for the Committee on Fisheries and Game, to whom was referred House Bill No. 79, An act to open Gorham pond now known as Lake Gorham in Dunbarton to ice fishing, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Carpenter of Wolfeboro, for the Committee on Fisheries and Game, to whom was referred House Bill No. 157, An act to close Forest lake, Winchester to ice fishing, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Carpenter of Wolfeboro, for the Committee on Fisheries and Game, to whom was referred House Bill No. 158, An act to close all tributaries of Pisgah reservoir in Winchester to fishing, reported the same

with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Gage of Manchester for the Committee on Labor, to whom was referred House Bill No. 68, An act relative to exceptions to the law regarding one day rest in seven, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Barnard of Manchester, for the Committee on Revision of Statutes, to whom was referred House Bill No. 48, An act to amend the charter of Coe's Northwood Academy, reported the same with the following amendments, and the recommendation that the bill as amended ought to pass:

Amend the second paragraph of section 1 of said bill by inserting after the word, "estate" in line seven the following, not exceeding \$500,000 so said second paragraph shall read as follows:

SECT. 2. Said corporation is hereby empowered to establish and maintain, in Northwood, in the county of Rockingham, a school designed to encourage and promote the diffusion of knowledge in all the branches of academic education; and, for that purpose, may acquire and hold, by gift, bequest, or otherwise, real and personal estate not exceeding \$500,000; may erect suitable buildings, employ proper teachers and assistants, and establish all necessary by-laws and regulations for their government, and exercise any other power proper to carry into effect the object of this act; *provided*, said by-laws and regulations shall not be repugnant to the constitution and laws of this State."

Further amend by adding the following new section:

2. *Takes Effect.* This act shall take effect upon its passage.

The report was accepted.

The reading of the amendments having commenced on motion of Mr. Barnard further reading of the amendments was dispensed with. The amendments were adopted, and the bill ordered to a third reading.

Mr. Carpenter of Wolfeboro for the Committee on Fisheries and Game, to whom was referred House Bill No. 124, An act closing Nubanusit lake in the towns of Hancock and Nelson and Spoonwood pond in the town of Nelson to ice fishing, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend by striking out all after the enacting clause and inserting in place thereof the following:

1. *Pickemel.* Amend paragraph IV, section 4 of chapter 155 of the Laws of 1935, as inserted by section 1 of chapter 96 of the Laws of 1937, by striking out the words, "Nubanusit lake in Hancock and Nelson," so that said paragraph as amended shall read as follows: IV. Newfound lake, Ogontz lake in Lyman, Pea Porridge pond in Madison and Conway, Pearl lake in Lisbon.

2. *Ice Fishing.* Amend paragraph IV, section 5 of chapter 155 of the Laws of 1935, as inserted by section 3, chapter 96 of the Laws of 1937, by adding to said paragraph the following: Nubanusit lake in Hancock and Nelson from January first to February sixteenth, Spoonwood pond in Nelson, so that said paragraph as amended shall read as follows: IV. Northwood lake in Northwood and Epsom, Nutt pond in Manchester, Partridge lake in Lyman and Littleton, Pleasant lake in New London, Robs reservoir in Stoddard, Nubanusit lake in Hancock and Nelson from

January first to February sixteenth, Spoonwood pond in Nelson.

3. *Takes Effect.* This act shall take effect upon its passage.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mr. Baker of Concord, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 345, An act establishing the bureau of war records, with the recommendation that the bill be referred to the Committee on Military Affairs.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Military Affairs.

(Mr. Barnard of Manchester in the Chair)

Mr. Etsler of Claremont, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 346, An act to legalize the biennial election held on the 8th day of November, 1938, in the town of Middleton, with the recommendation that the bill be referred to the Committee on Judiciary.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Judiciary.

Mr. Baker of Concord, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 347, An act exempting the members of the National Guard from the provisions of the act relative to financial responsibility in motor vehicle accidents, with the recommendation that the bill be referred to the Committee on Military Affairs.

The report was accepted, the bill read a first and

second time, laid upon the table to be printed, and referred to the Committee on Military Affairs.

Mr. Hunter of Hanover, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 348, An act relating to investments of savings banks, with the recommendation that the bill be referred to the Committee on Banks.

The report was accepted, the bill read a first and second time, laid upon the table to be printed, and referred to the Committee on Banks.

Mr. Boynton of Hillsboro for the Committee on Rules, having considered the subject, reported the following entitled Bill, House Bill No. 349, An act relative to the collection of legacy taxes upon certain contingent devices and bequests, with the recommendation that the bill be referred to the Committee on Judiciary.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Judiciary.

Mr. Boynton of Hillsboro, for the Committee on Rules, having considered the subject, reported the following entitled Bill, House Bill No. 350, An act to amend and clarify the law relating to motor vehicles, with the recommendation that the bill be referred to the Committee on Ways and Means.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Ways and Means.

Mr. Hunter of Hanover, for the Committee on Rules, having considered the subject, reported the following entitled Bill, House Bill No. 351, An act permitting trustee process to be served on the state in personal actions against state officials or employees, with the recommendation that the bill be referred to the Committee on Judiciary.



The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Judiciary.

(Speaker in the Chair)

Mr. Baker of Concord, for the Committee on Rules, having considered the subject reported the following entitled Bill, House Bill No. 352, An act relative to the issue of notes by the county of Merrimack, with the recommendation that the bill be referred to the Committee on Judiciary.

Read a first and second time and referred to the Committee on Judiciary.

Mr. Saltmarsh of Concord moved that the rules be suspended, the printing of the bill and its reference to a committee be dispensed with.

The question being on the motion of Mr. Saltmarsh.

(Discussion ensued)

On a *viva voce* vote the motion was adopted.

Mr. Saltmarsh of Concord moved that the rules be suspended, that the bill be put on its third reading, by title, and final passage at the present time.

The question being on the motion of Mr. Saltmarsh.

On a *viva voce* vote the motion was adopted.

The bill was then read a third time and passed and sent to the Senate for concurrence.

Mr. Osborne of Sunapee, for the Committee on Rules, having considered the subject, reported the following entitled Bill, House Bill No. 353, An act relating to school privileges in the town of Lisbon, with the recommendation that the bill be referred to the Committee on Judiciary.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Judiciary.

Mr. Sanderson of Pittsfield for the Committee on Rules, having considered the subject, reported the following Joint Resolution, House Joint Resolution No. 65, Joint resolution for the construction of a dam at Kilton pond in the town of Grafton, with the recommendation that the joint resolution be referred to the Committee on Public Improvements.

The report was accepted, the joint resolution read a first and second time, laid upon the table to be printed and referred to the Committee on Public Improvements.

### Message from the Senate

A message from the Honorable Senate by its clerk announce that the Senate had voted to adopt the amendments offered by the Committee on Engrossed Bills, to the following House Bills, in the adoption of which amendments the Senate asks the concurrence of the House of Representatives:

House Bill No. 91, An act closing Wash pond in Hampstead to ice fishing.

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1. *Closed to Ice Fishing.* Amend paragraph VI of section 5 of chapter 155 of the Laws of 1935, as inserted by section 3, chapter 96, Laws of 1937, by inserting after the word "Alstead" the words, Wash pond in Hampstead, so that said paragraph as amended shall read as follows: VI. Warren lake in Alstead, Wash pond in Hampstead, White's pond in Pelham, Winnipauket lake in Webster, Zephyr lake in Greenfield.

On motion of Mr. Carpenter of Wolfeboro, the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 136, An act relating to report of sale.

Amend the title of said bill by striking out the same and inserting in place thereof the following:

An act relating to report to register of deeds of sale of real estate for taxes.

On motion of Mr. Osborne of Sunapee, the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 108, An act relative to permanent improvements and additional facilities at the tramway.

Amend section 1 of said bill by inserting at the end of the twelfth line the words, charged to or. Further amend said section 1 by striking out the words "of said net income" in the twenty-fifth line.

On motion of Mr. Sawyer of Woodstock, the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was sent to the Secretary of State to be engrossed.

### **Ruling of the Speaker**

Pursuant to the action taken by the House on February 28, in relation to House Bill No. 9, An act relating to horse racing and creating a State Racing Commission, the speaker issued the following ruling.

Because of its possible bearing on future situations the Chair desires to make a statement relating to the parliamentary situation with respect to the concurrence of the House in amendments to bills or resolutions sent down by the Honorable Senate.

In such situations the question before the House is acceptance or rejection of amendments. A motion to

concur in an amendment sent down by the Honorable Senate takes precedence over a motion to non-concur and ask for a committee of conference to reconcile differences between the two branches of the Legislature.

Such a motion to concur in an amendment offers the opportunity for the House to act immediately if its desire is to concur in the amendment. When the House votes in the affirmative on a motion to concur the house does concur and the amendment is adopted.

A negative vote on a motion to concur, however, does not finally reject the amendment for this reason: A motion to concur and a motion to non-concur are considered to be equivalent motions. If the motion to concur is not adopted, therefore, a motion to non-concur and ask for a committee of conference previously made is in order; or, a motion to ask for a committee of conference made after a negative vote on a motion to concur is in order.

### Resolution

On motion of Mr. Atherton of Nashua,

*Resolved*, That the Committee on Banks be permitted the use of Representatives' Hall for a hearing on House Bill No. 251, An act to authorize branch banking on Wednesday and Thursday, March 8 and 9 at 1:30 P. M.

On motion of Mr. Tozier of Exeter,

*Resolved*, That the Committee on Labor be allowed the use of Representatives' Hall, Thursday, March 2, at 1:30 P. M., for a public hearing on House Bill No. 313, An act relating to minimum wage and maximum hour standards.

### Personal Privilege

Mr. Woodbury of Manchester rose to a question of personal privilege, and read a proclamation on Constitution Government Day.

On motion of Mr. Fernald at 12:01 o'clock the House adjourned.

### Afternoon

The House met at 3 o'clock.

On motion of Mr. Fernald of Dover, the rules were suspended and the third reading of bills by their titles were made in order.

House Bill No. 48, An act to amend the charter of Coe's Northwood Academy.

House Bill No. 68, An act relative to exceptions to the law regarding one day rest in seven.

House Bill No. 79, An act to open Gorham pond now known as Lake Gorham in Dunbarton to ice fishing.

House Bill No. 96, An act relative to legal holidays.

House Bill No. 124, An act closing Nubanusit lake in the towns of Hancock and Nelson and Spoonwood pond in the town of Nelson to ice fishing.

House Bill No. 132, An act relating to distraint.

House Bill No. 133, An act regarding tax liens on real estate.

House Bill No. 135, An act relating to abatement.

House Bill No. 157, An act to close Forest lake, Winchester, to ice fishing.

House Bill No. 158, An act to close all tributaries of Pisgah reservoir in Winchester to fishing.

Severally read a third time and passed and sent to the Senate for concurrence.

On motion of Mr. Gelinas of Manchester, at 3:07 o'clock the House adjourned.

## THURSDAY, MARCH 2, 1939.

The House met at 11:00 o'clock.

Prayer was offered by Rev. Roger Dunlap of Concord.

### Leaves of Absence

Messrs. Simpson of Bartlett, and Tilton of Concord were granted leaves of absence for the day on account of important business.

### Resolutions

On motion of Mr. Pulsifer of Campton,

*Resolved*, That when the House adjourns this morning it be to meet Friday morning at 9 o'clock and that when the House then adjourns it adjourns to meet Monday evening at 6 o'clock.

### Committee Reports

Mr. Merrow of Ossipee, for the Committee on Ways and Means, to whom was referred House Bill No. 104, An act relating to tax collectors, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mrs. Bixby of Berlin, for the Committee on Liquor Laws, to whom was referred House Bill No. 240, An act relating to the issuance of off-sale permits to grocery stores opened for business on Sunday, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Normandin of Laconia for the Committee on Judiciary, to whom was referred House Bill No. 75, An



act to facilitate search of title to real estate, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Batchelder of Northfield, for the Committee on Claims, to whom was referred House Joint Resolution No. 19, Joint resolution in favor of Rockingham Country Club, Inc., reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Batchelder of Northfield, for the Committee on Claims, to whom was referred House Joint Resolution No. 48, Joint resolution in favor of John Nigro, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Barnard of Manchester, for the Committee on Revision of Statutes, to whom was referred Senate Bill No. 20, An act relating to the Payment of county taxes, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Barnard of Manchester, for the Committee on Revision of Statutes, to whom was referred Senate Bill No. 19, An act relating to pharmacist's equipment, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Barnard of Manchester, for the Committee on Revision of Statutes, to whom was referred House Bill

No. 186, An act relating to school-busses, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mrs. Bixby of Berlin, for the Committee on Liquor Laws, to whom was referred House Bill No. 339, An act for the construction and equipment of a liquor warehouse and office building, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill referred to the Committee on Appropriations under the rules.

Mr. Normandin of Laconia, for the Committee on Judiciary, to whom was referred House Bill No. 337, An act authorizing the city of Franklin to issue refunding notes and bonds, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Normandin of Laconia, for the Committee on Judiciary, to whom was referred House Bill No. 82, An act making sundry changes in the sales of securities law, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Carpenter of Wolfeboro, for the Committee on Fisheries and Game, to whom was referred House Bill No. 247, An act relating to the taking of brook trout in the Connecticut river and Perry Stream, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Carpenter of Wolfeboro, for the Committee on Fisheries and Game, to whom was referred House Bill No. 248, An act relating to fishing in Big Brook, Pitts-

burg, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Carpenter of Wolfeboro, for the Committee on Fisheries and Game, to whom was referred House Bill No. 256, An act relating to bait and fly fishing in Ledge pond in Madison, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Hutchins of Claremont, for the Committee on Public Health, to whom was referred House Bill No. 33, An act relating to the practice of dentistry, reported the same with the following amendments, and the recommendation that the bill as amended ought to pass.

Amend section 1 by striking out the whole of said section and inserting in place thereof the following:

1. *Term.* Amend section 1 of chapter 205 of the Public Laws by inserting after the word "years" in the fourth line the words, and each shall continue in office until his successor is appointed and qualified, so that said section as amended shall read as follows:

1. *Appointment; Term; Removal.* There shall be a New Hampshire State Dental Board of three members. One shall be appointed each year by the Governor, with the advice and consent of the council, for a term of three years, and each shall continue in office until his successor is appointed and qualified, unless sooner removed by the same authority for cause. Vacancies shall be filled by appointment in like manner for the unexpired term.

Amend section 3 by striking out the whole of said section and inserting in place thereof the following:

3. *Compensation.* Amend section 5 of chapter 205 of the Public Laws by inserting after the word "fees" in line five the words, and fines, so that said section as amended shall read as follows:

5. *Compensation.* The members of the board shall receive five dollars for each day actually engaged in the duties of the office and all necessary expenses. The secretary-treasurer of the board may receive a salary to be fixed by the board instead of the per diem of five dollars. Said board shall receive no compensation in excess of the amount of the fees and fines received and shall be of no expense to the state beyond such amount.

The report was accepted, the amendments adopted and the bill ordered to a third reading.

Mr. Batchelder of Northfield, for the Committee on Claims, to whom was referred House Joint Resolution No. 52, Joint resolution in favor of Robert Ramig, reported the same with the following amendment, and the recommendation that the joint resolution as amended ought to pass.

Amend said resolution by striking out the words and figures "eight hundred seventy-five dollars (\$875)" and inserting in place thereof the words and figures, two hundred dollars (\$200), so that said resolution as amended shall read as follows:

That the sum of two hundred dollars (\$200) be and hereby is allowed Robert Ramig of Bedford to compensate him for expenses and damages incurred while employed by the state highway department. The sum hereby appropriated shall be a charge upon the highway funds.

The report was accepted, the amendment adopted and the joint resolution was referred to the Committee on Appropriations under the rules.

Mr. Hoyt of Concord, for the Committee on State Hospital, to whom was referred House Bill No. 315, An act to provide for additional facilities for the State Hospital in accord with recommendations of the State Planning and Development Commission, authorized by resolution of the legislature of 1937, reported the same with the following amendments, and the recommendation that the bill as amended ought to pass.

Amend paragraph (b) of section 1 by striking out the word "sprinklers" and inserting in place thereof the word, protection, so that said paragraph as amended shall read as follows:

(b) The sum of forty-three thousand dollars (\$43,000) for the purchase and installation of fire protection in the older, centrally connected buildings:

Amend paragraph (d) of section 1 by striking out the words "two 30-bed male wards and one 30-bed female ward", and inserting in place thereof the words, three wards of about thirty beds each, so that said paragraph as amended shall read as follows: (d) The sum of two hundred ninety-one thousand, two hundred dollars (\$291,200) for the construction and equipment of a new admission and observation building, to include three wards of about thirty beds each.

The report was accepted, the amendments adopted and the bill referred to the Committee on Appropriations under the rules.

### Message From The Senate

A message from the Honorable Senate by its clerk announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bills and joint resolutions, sent up from the House of Representatives:

House Bill No. 5, An act relating to warning town meetings.

House Bill No. 123, An act relative to the definition of persons eligible for aid to the aged.

House Bill No. 252, An act relating to the salary of the Justice of the municipal court of Milford.

House Joint Resolution No. 22, Joint resolution appropriating funds for the publication of wartime military records.

House Joint Resolution No. 37, Joint resolution in favor of Mount Washington Observatory.

House Joint Resolution No. 40, Joint resolution in favor of Mount Washington Observatory.

The message further announced that the Senate had voted to adopt the amendments offered by the Committee on Engrossed Bills, to the following House Bills, in the adoption of which amendments the Senate asked the concurrence of the House of Representatives:

House Bill No. 114, An act relating to non-resident fur dealers.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *Repeal.* Paragraph II of section 13 of chapter 203 of the Public Laws, as inserted by section 7, chapter 124, Laws of 1935, and as amended by section 2, chapter 156, Laws of 1937, relative to fees for licenses for non-resident fur buyers, is hereby repealed.

2. *Non-Resident Fur-Buyers.* Amend section 203 of the Public Laws, as inserted by section 7, chapter 124, Laws of 1935, by inserting after section 14 the following new section: 14-a. *No License Required.* A non-resident of this state may at any time engage in this state in the business of buying the furs or skins of fur-bearing animals from resident licensed fur buyers without a license so to do.



3. *Takes Effect.* This act shall take effect upon its passage.

On motion of Mr. Baker of Concord, the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the secretary of State to be engrossed.

House Bill No. 137, An act relating to bonds.

Amend the title of said bill by inserting before the word "bonds" the words, tax collectors'.

Amend section 1 of said bill by inserting after the word "collector" in the second line the word, or.

Amend section 2 of said bill by striking out said section and inserting in place thereof the following:

2. *Collector of Taxes.* Amend said chapter 47 by adding after section 29 the following new section: 29-a. *Bond Required.* Each tax collector before entering upon his duties shall, within thirty days of his election or appointment unless said period of thirty days has been extended by the tax commission for good cause shown, give bond for the faithful performance of his duties. Such bond shall be approved in writing by the tax commission.

On motion of Mr. Osborne of Sunapee, the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

The message also announced that the Senate had passed bills with the following titles, in the passage of which it asked the concurrence of the House of Representatives:

Senate Bill No. 22, An act limiting the time within which a marriage certificate is valid.

Senate Bill No. 23, An act relating to the State Board of Health.

Senate Bill No. 24, An act establishing a board of fire commissioners for the city of Berlin.

Senate Bill No. 25, An act relating to mortuary regulations.

### Senate Bills Read and Referred

Senate Bill No. 22, An act limiting the time within which a marriage certificate is valid.

Senate Bill No. 23, An act relating to the State Board of Health.

Severally read a first and second time and referred to the Committee on Revision of the Statutes.

Senate Bill No. 25, An act relating to mortuary regulations.

Read a first and second time and referred to the Committee on Public Health.

Senate Bill No. 24, An act establishing a board of fire commissioners for the city of Berlin.

Read a first and second time and referred to the Committee on Judiciary.

On motion of Mr. Paine of Berlin.

*Resolved*, That the rules be suspended and the order whereby Senate Bill No. 24, An act establishing a board of Fire Commissioners for the city of Berlin, was referred to the Committee on Judiciary, be vacated and the bill be referred to a special committee consisting of the delegation from the city of Berlin.

On motion of Mr. Maxham of Concord,

*Resolved*, That the rules be suspended and the order whereby the House voted to refer House Joint Resolution No. 24, Joint resolution in favor of H. W. Hillier of Lancaster to the Committee on Appropriations be recalled and the joint resolution be recommitted to the Committee on Claims.

### Communication

The following letter was read by the Speaker:

ANSEL N. SANBORN, *Speaker,*  
*House of Representatives,*  
*Concord, N. H.*

DEAR MR. SPEAKER:

Please convey to the members of the House my gratitude and appreciation for the resolutions of sympathy and the beautiful flowers sent me.

Sincerely,

ADA A. SOPER,  
of Littleton.

On motion of Mr. Fernald of Dover business in order at 3 o'clock was made in order at the present time.

### Third Readings

On motion of Mr. Fernald of Dover the rules were suspended and the third readings of bills by their titles were in order.

House Bill No. 248, An act relating to fishing in Big Brook in Pittsburg.

House Bill No. 33, An act relating to the practice of dentistry.

House Bill No. 82, An act making sundry changes in the sale of securities law.

House Bill No. 186, An act relating to school-busses.

House Bill No. 247, An act relating to the taking of brook trout in the Connecticut river and Perry stream.

House Bill No. 256, An act relating to bait and fly fishing in Ledge pond in Madison.

House Bill No. 337, An act authorizing the city of Franklin to issue refunding notes and bonds.

Severally read a third time, passed and sent to the Senate for concurrence.

Senate Bill No. 19, An act relating to pharmacist's equipment.

Senate Bill No. 20, An act relating to the payment of county taxes.

Severally read a third time, passed and sent to the Secretary of State to be engrossed.

On motion of Mr. Burnham of Henniker at 1:40 o'clock the House adjourned.

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FRIDAY, MARCH 3, 1939.

The House met at 9:00 o'clock.

The following letter was read by the Clerk:

Friday, March 3, 1939.

Mr. George H. Nash,  
Concord, N. H.

DEAR SIR:

I shall be unable to attend the session on Friday morning. Will you kindly preside for me and oblige.

Yours respectfully,

ANSEL N. SANBORN,  
*Speaker.*

On motion of Mr. Elkins of Concord at 9:01 o'clock the House adjourned.

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MONDAY, MARCH 6, 1939.

The House met at 6:00 o'clock.

The following letter was read by the Clerk:

Monday, March 6, 1939.

Mr. Robert H. Sanderson,  
Pittsfield, N. H.

DEAR SIR:

I shall be unable to attend the session on Monday evening. Will you kindly preside for me and oblige.

Yours respectfully,

ANSEL N. SANBORN,  
*Speaker.*

There being no quorum present at 6:01 o'clock the House adjourned.

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TUESDAY, MARCH 7, 1939.

The House met according to adjournment.

Prayer was offered by the Chaplain.

### Introduction

Ex-Governor John H. Bartlett was introduced to the House.

### Leaves of Absence

Mr. Cryan of Lancaster was granted leave of absence until further notice on account of illness.

Mr. Chase of Manchester was granted leave of absence for the week on account of important business.

Mr. Prescott of Newton was granted leave of absence for the week on account of illness in family.

Mr. Fornier of Nashua was granted leave of absence for the week on account of death in the family.

### Committee Reports

Mrs. Batchelder of Hanover for the Committee on Engrossed Bills, reported that the committee had examined and found correctly engrossed the following entitled bills and joint resolutions:

House Bill No. 91, An act closing Wash pond in Hampstead to ice fishing.

House Bill No. 108, An act relative to permanent improvement and additional facilities at the tramway.

House Bill No. 136, An act relating to report to register of deeds of sale of real estate for taxes.

House Joint Resolution No. 22, Joint resolution appropriating funds for the publication of war-time military records.

House Joint Resolution No. 37, Joint resolution in favor of Mount Washington Observatory.

House Joint Resolution No. 40, Joint resolution in favor of Mount Washington Observatory.

The report was accepted.

Mrs. Bixby of Berlin for the Committee on Liquor Laws, to whom was referred House Bill No. 19, An act relating to the sale of wines by restaurants, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Ladouceur of Manchester for the Committee on Insurance, to whom was referred House Bill No. 194, An act relating to the sale of lightning rods, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted.

The question being on the resolution of the committee, that it is inexpedient to legislate.

Mr. Noyes of Bethlehem moved that the bill be re-committed to the Committee on Insurance.



On a *viva voce* vote the motion to recommit did not prevail.

The question being on the resolution of the committee that it is inexpedient to legislate.

On a *viva voce* vote the resolution of the committee was adopted.

Mr. Ladouceur of Manchester for the Committee on Insurance, to whom was referred House Joint Resolution No. 27, Joint resolution relating to foreign casualty insurance companies, reported the same with the recommendation that the joint resolution ought to pass.

The report was accepted and the joint resolution ordered to a third reading.

Mr. Ladouceur of Manchester for the Committee on Insurance, to whom was referred House Bill No. 38, An act relating to cancellation of accident and health insurance policies, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Carpenter of Wolfeboro for the Committee on Fisheries and Game, to whom was referred House Bill No. 175, An act relating to the taking of white perch, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Carpenter of Wolfeboro for the Committee on Fisheries and Game, to whom was referred House Bill No. 258, An act to regulate the season for taking brook trout from Back lake in Pittsburg, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Carpenter of Wolfeboro for the Committee on Fisheries and Game, to whom was referred House Bill No. 249, An act to close Inlet brook tributary to Back lake in Pittsburg, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Ladouceur of Manchester for the Committee on Insurance, to whom was referred House Bill No. 278, An act relating to forms of policies issued by foreign insurance companies, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of said bill by striking out the whole thereof and inserting in its place the following:

1. Amend chapter 273 of the Public Laws by inserting after section 50 the following new section: 51. Participating policies of fire, marine and casualty insurance companies. Any fire, marine or casualty insurance company authorized to do business in this state may include in its charter a provision authorizing the board of directors to permit its policyholders from time to time to participate in the profits of its operations through the payment of dividends to policyholders. For the purpose of carrying into effect any such provision, the board of directors may from time to time make reasonable classifications of policies. No such dividend shall be paid as to any policy issued or delivered in this state unless the classification of policies and the method of ascertainment of the amount of the dividend, together with all pertinent information relating thereto, has been filed with the Commissioner, nor until the Commissioner has given his approval of the payment of such dividends. The commissioner may refuse such approval if he finds that any such dividends were

not earned or that the payment thereof would be inequitable or unfairly discriminatory with respect to other policyholders.

The report was accepted, the amendment adopted and the bill ordered to a third reading.

### Committee on Conference

The Committee on Conference to whom was referred House Bill No. 9, An act relating to horse racing and creating a state racing commission, recommend that the Senate recede from its position in adopting its amendments to said bill; that the House of Representatives recede from its position in concurring with the amendments to section 1 and the insertion of a new section 3 of said bill, as proposed by the Senate, and recede from its position of non-concurrence with the amendment to section 2 of the bill as proposed by the Senate and further recommend that the Senate and House of Representatives adopt the following amendments:

Amend said House Bill No. 9 by striking out all after the enacting clause and inserting in place thereof the following:

1. *Pari Mutuel Pools.* Amend section 14, chapter 27, Laws of 1935, by striking out the said section and inserting in place thereof the following: 14. *Pari Mutuel Pools.* Within the enclosure of any race track where is held a race or race meet licensed and conducted under this act, but not elsewhere, the sale of pari mutuel pools by the licensee under such regulations as may be prescribed by said commission is hereby permitted and authorized during the calendar years 1939 to 1942, inclusive. Commissions on such pools shall in no event and at no track exceed eleven per cent (11%) of each dollar wagered, plus the odd cents

of all redistribution to be based on each dollar wagered exceeding a sum equal to the next lowest multiple of ten, known as "breakage" one half of which "breakage" shall be retained by the licensee and the balance shall be paid to the state treasurer for the use of the state in accordance with the provisions of section 2 of chapter 27 of the Laws of 1935. Said maximum shall include the four and one half per cent tax hereinafter prescribed.

2. *Pari Mutuel Pools.* Amend section 15 of said chapter 27 by striking out said section and inserting in place thereof the following: 15. *Tax.* Each person, association or corporation licensed to conduct a race or race meet under this act shall pay to the state treasurer a sum equal to four and one half per cent of the total contributions to all pari mutuel pools conducted or made at any race or race meet licensed under this act. Of the amount so paid to the state treasurer a sum equal to four and one-quarter per cent of said total contributions shall be distributed in accordance with the provisions of section 2 of chapter 27 of the Laws of 1935, and a sum equal to one-quarter of one per cent of said total contributions shall be expended for the promotion of agriculture in the state under the direction of the commissioner of agriculture. Each person, association or corporation licensed to conduct a race or race meet under this act shall also pay to the city or town treasurer in which the racing plant is located the sum of two hundred and fifty dollars for each day of racing, provided said person, association or corporation has a license to conduct races or race meets for more than eight days during the year for which the license is issued. If said person, association or corporation has a license to conduct races or race meets for less than eight days dur-

ing the year for which the license is issued, the per diem fee to be paid to the city or town treasurer shall be determined by the commission.

3. *Prohibition.* Amend said chapter 27 by inserting after section 21 the following new section: 21-a. *Prohibition.* No person, association or corporation conducting a racing plant under the provisions of this act, nor the commission, shall employ at said racing plant, during the time in which the general court is in session, any person who is a member of said general court.

4. *Distribution of Tax.* Amend said chapter 27 by inserting after section 16 the following new section: 16-a. *Agricultural Fairs.* The portion of the tax on pari mutuel pools to be distributed for the promotion of agriculture, as provided in section 15, shall be distributed by the commissioner of agriculture in accordance with the following plan to all agricultural fairs incorporated under the laws of New Hampshire holding yearly exhibitions and paying premiums of five hundred dollars or more annually. Each year a payment of one hundred dollars shall be paid to all such agricultural fairs. The balance of said fund shall be divided pro rata to said fairs based on the amount of competitive or educational agriculture premiums paid the preceding calendar year by said fairs. In determining the premiums paid the commissioner shall take into consideration premiums paid for contests, exhibits or displays of domestic livestock, household products farm crops and those made by 4-H clubs or other similiar groups. The commissioner of agriculture shall make such rules and regulations relative to report as to premiums as may be necessary to enable him to determine the pro rata distributions to be made of the sums hereinbefore provided.

5. *Takes Effect.* This act shall take effect upon its passage.

ALDEGE A. NOEL,

CURTIS H. PAGE,

*Conferees on the part of the Senate.*

CHESTER E. MERROW,

CHARLES H. BARNARD,

WILLIAM J. BOOTH,

*Conferees on the part of the House.*

The question being on the report of the Committee on Conference.

Mr. Merrow of Ossipee moved that the report of the committee be adopted.

Mr. Duncan of Jaffrey rose to a point of order and stated that the report of the Committee on Conference was not in order.

The Chair ruled that the report of the Committee on Conference was in order.

Mr. Duncan of Jaffrey appealed from the ruling of the Speaker.

The question being,

Shall the ruling of the Speaker be sustained?

(Discussion ensued)

Messrs Duncan of Jaffrey, Sherry of Dover spoke against the question.

Messrs Merrow of Ossipee, Etsler of Claremont, and Sanderson of Pittsfield spoke for the question.

Mr. Fernald of Dover moved the previous question.

The question being,

Shall the main question now be put?

On a *viva voce* vote the previous question was ordered.

The question being,

Shall the ruling of the Speaker be sustained?



On a *viva voce* vote the ruling of the Speaker was sustained.

The question being on the motion of Mr. Merrow of Ossipee that the report of the Committee on Conference be adopted.

(Discussion ensued)

Messrs. Merrow of Ossipee, Booth of Manchester and Sanderson of Pittsfield spoke for the motion.

Messrs. Duncan of Jaffrey and Hunter of Hanover, spoke against the motion.

Mr. Sanderson of Pittsfield moved the previous question.

The question being,

Shall the main question now be put?

On a *viva voce* vote the previous question was ordered.

The question being,

Shall the report of the Committee on Conference be adopted?

Mr. Duncan of Jaffrey called for a Division.

A division being held 279 members voted in the affirmative, and 86 members voted in the negative and the report of the Committee on Conference was adopted.

### Committee Report

Mrs. Batchelder of Hanover for the Committee on Engrossed Bills, to whom was referred Senate Bill No. 15, An act relating to solicitors' permits, reported the same, under Joint Rule No. 6, with the following amendment and recommended that the bill as amended ought to pass.

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1. *Alcoholic Beverages.* Amend section 12 of chapter 99 of the Laws of 1933 by striking out said section and inserting in place thereof the following:

12. *Solicitor's Permit; Exception.* Solicitor's permits shall authorize the permittee within the State of New Hampshire to offer for sale or solicit orders for the sale of, within the State of New Hampshire, any beverage if the vendor of such beverage is the holder of a manufacturer's or wholesaler's permit issued under this act. Solicitor's permits shall not be issued without the recommendation of the vendor whom the solicitor represents. Provided, further, that any salaried office employee of a vendor who holds a manufacturer's or wholesaler's permit issued under this act may, with the approval of the state liquor commission, be authorized to offer for sale, or solicit orders for the sale of, within the state, any beverage sold by such vendor without a solicitor's permit.

On motion of Mr. Coakley of Concord the House concurred in the adoption of the amendment proposed by the Committee on Engrossed Bills.

The bill was then sent to the Senate for concurrence in the amendment.

### Message from the Senate

A message from the Honorable Senate, by its Clerk, announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bills, sent up from the House of Representatives:

House Bill No. 28, An act relating to licenses and examination of domestic insurance companies.

House Bill No. 118, An act relating to legal holidays.

House Bill No. 127, An act relating to taxation of foreign insurance companies.

House Bill No. 160, An act to change the name of Crystal Lake to Canaan Street Lake.

House Bill No. 314, An act in relation to timber salvage.

The message further announced that the Senate refused to concur with the House of Representatives in the passage of the following entitled bill, sent up from the House of Representatives:

House Bill No. 77, An act relating to check lists for School Meetings.

The message also announced that the Senate had voted to adopt the amendments offered by the Committee on Engrossed Bills, to the following House Bills, in the adoption of which amendments the Senate asked the concurrence of the House of Representatives:

House Bill No. 5, An act relating to warning town meetings.

Amend section 1 of said bill by striking out the words, "if in his judgment the neglect or refusal of the selectmen was unreasonable" and by inserting after the word "meeting" in the eleventh line the words, or order the insertion of an article in the warrant.

Further amend section 1 of said bill by striking out the word "the" in the twenty-second line and inserting in place thereof the word, a.

On motion of Mr. Barnard of Manchester the House concurred in the adoption of the amendments sent down from the Honorable Senate.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 28, An act relating to licenses and examination of domestic insurance companies.

Amend section 4 of said bill by inserting after the word "Laws" the words, relative to examination of domestic life insurance companies.

On motion of Mr. Noyes of Bethlehem the House concurred in the adoption of the amendment sent down from the Honorable Senate.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 118, An act relating to legal holidays.

Amend the title of said bill by striking out the same and inserting in place thereof the following: An act establishing General John Stark Day.

On motion of Mr. Woodbury of Manchester the House concurred in the adoption of the amendment sent down from the Honorable Senate.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 127, An act relating to taxation of foreign insurance companies.

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1. *Foreign Insurance Companies.* Amend section 59 of chapter 275 of the Public Laws, as amended by chapter 103 of the Laws of 1929, by striking out said section and inserting in place thereof the following: 59. *Tax, Fire Insurance, etc.* Every such fire, marine, fidelity and casualty insurance company shall pay to the state treasurer, within one month after receiving notice from the commissioner of the amount thereof, a tax of two per cent upon all gross direct premiums written, less return premiums, upon property or risks located or persons resident in this state, during the year ending on the preceding December thirty-first, as assessed by the commissioner, and a further deduction in the case of all mutual fire,

casualty, fidelity and boiler insurance companies, taxable under the provisions of this section, of the amount of all unabsorbed premium deposits actually returned or credited to policyholders upon business in this state during the year for which the tax is determined.

On motion of Mr. Noyes of Bethlehem the House concurred in the adoption of the amendment sent down from the Honorable Senate.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 314, An act in relation to timber salvage.

Amend section 1 of said bill by inserting at the end thereof the words: The provisions of this paragraph shall be in effect until January 1, 1945.

Amend section 2 of said bill by striking out the words "foregoing paragraphs" and inserting in place thereof the words and figures, provisions of paragraph XXIX of section 4 of chapter 42 of the Public Laws.

Further amend said bill by striking out section 3 and renumbering section 4 to read section 3.

On motion of Mr. Osborne of Sunapee the House concurred in the adoption of the amendments sent down from the Honorable Senate.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 252, An act relating to the salary of the Justice of the Municipal Court of Milford.

Amend section 1 of said bill by inserting after the figures "1933" the following, and chapter 87 of the Laws of 1935, by striking out the word "section" and inserting in place thereof the word, paragraph, by striking out the following words; "provided that until February 1, 1935, the said salary shall be one thousand six hundred and twenty dollars only" and by

striking out the word "four" after the word "Franklin" and inserting in place thereof the word, six.

On motion of Mr. Emerson of Milford, the House concurred in the adoption of the amendment sent down from the Honorable Senate.

The bill was then sent to the Secretary of State to be engrossed.

### Resolution

On motion of Mr. Wadleigh of Milford,

*Whereas*, the House has learned with sorrow of the bereavement of our esteemed Congressman Foster Stearns, in the death of his father, Frank W. Stearns, therefore be it

*Resolved*, that the Speaker appoint a Committee of five to submit suitable resolutions of sympathy

*And be it further Resolved*, That the clerk be instructed to send a floral tribute.

The resolution was unanimously adopted by a rising vote.

The Speaker appointed as members on such committee, Messrs. Wadleigh of Milford, Callahan of Keene, George of Concord, Mrs. Hoyt of Lebanon, and Mrs. Mason of Berlin.

On motion of Mr. Fernald of Dover at 12:47 o'clock the House adjourned.

### Afternoon

The House met at 3 o'clock.

On motion of Mr. Fernald of Dover the rules were suspended and the third readings of bills by their titles made in order.

### Third Readings

House Bill No. 27, An act relating to foreign casualty insurance companies.

House Bill No. 38, An act relating to cancellation of accident and health insurance policies.



House Bill No. 175, An act relating to the taking of white perch.

House Bill No. 248, An act to close Inlet brook tributary to Back lake in Pittsburg.

House Bill No. 258, An act to regulate the season for taking brook trout from Back lake in Pittsburg.

House Bill No. 278, An act relating to forms of policies issued by foreign insurance companies.

Severally read a third time and passed and sent to the Senate for concurrence.

On motion of Mrs. Trottier of Berlin at 3:06 o'clock the House adjourned.

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### WEDNESDAY, MARCH 8, 1939.

The House met at 11:00 o'clock.

Prayer was offered by the Chaplain.

#### Leaves of Absence

Mr. Persson of Candia was granted leave of absence for the rest of the week on account of important business.

Mr. Donovan of Newport was granted leave of absence for the day on account of attending a funeral.

#### Committee Reports

Mr. Sawyer of Woodstock for the Committee on Engrossed Bills, reported that the committee had examined and found correctly engrossed the following entitled bills:

House Bill No. 9, An act relating to horse racing and creating a state racing commission.

House Bill No. 28, An act relating to licenses and examinations of domestic insurance companies.

House Bill No. 127, An act relating to taxation of foreign insurance companies.

House Bill No. 160, An act to change the name of Crystal lake to Canaan street lake.

House Bill No. 314, An act in relation to timber salvage.

House Bill No. 5, An act relating to warning town meetings.

House Bill No. 118, An act establishing General John Stark day.

House Bill No. 252, An act relating to the salary of the justice of the municipal court of Milford.

The report was accepted.

Mr. Merrow of Ossipee, for the Committee on Ways and Means, to whom was referred House Bill No. 78, An act relating to service exemption from taxation, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Merrow of Ossipee for the Committee on Ways and Means, to whom was referred House Bill No. 221, An act in relation to taxation on legacies and successions, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Merrow of Ossipee for the Committee on Ways and Means, to whom was referred House Bill No. 241, An act relating to property taxes in the city of Manchester, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Carpenter of Wolfeboro for the Committee on Fisheries and Game, to whom was referred House Bill No. 305, An act relating to brook trout, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Carpenter of Wolfeboro for the Committee on Fisheries and Game, to whom was referred House Bill No. 303, An act relating to salmon and lake trout, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Carpenter of Wolfeboro for the Committee on Fisheries and Game, to whom was referred House Bill No. 304, An act relating to open and closed season for brook trout, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Normandin of Laconia for the Committee on Judiciary, to whom was referred House Bill No. 288, An act relative to the terms of the superior court in the county of Coos, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Normandin of Laconia for the Committee on Judiciary, to whom was referred Senate Bill No. 10, An act changing the name of Long pond to Lake Winnetaucook in the town of Croydon, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Baker of Concord for the Committee on Rules, to whom was referred Concurrent Resolution, enlarging the scope of the State Library Joint Committee to include also the field of the Public Library Commission, reported the same with the recommendation that the concurrent resolution ought to pass.

The resolution was accepted, and ordered to a third reading.

Mr. Normandin of Laconia, for the Committee on Judiciary, to whom was referred House Bill No. 353, An act relating to school privileges in the town of Lisbon, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Atherton of Nashua, for the Committee on Nashua Delegation, to whom was referred House Bill 165, An act relating to the construction of sidewalks in the City of Nashua, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Carpenter of Wolfeboro, for the Committee on Fisheries and Game, to whom was referred House Bill No. 340, An act closing Miller and Stocker ponds in the town of Grantham to ice fishing, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Normandin of Laconia, for the Committee on Judiciary, to whom was referred House Bill No. 259, An act relating to the powers of the superior court, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 by striking out the words "and auditors" in the fourth line and inserting in place thereof the words, auditors and masters, so that said section as amended shall read as follows:

1. Amend Chapter 316 of the Public Laws, as amended by Chapter 86 of the Laws of 1929, by adding after section 18 the following new section:

19. The Court shall appoint as referees, auditors and masters and fix their salaries, such former Justices of the Supreme and Superior Court as have retired therefrom by age limitation, when so to do will expedite the business of the Court; and they may be assigned to sit in any County in the State.

The report was accepted, the amendment adopted and the bill ordered to a third reading.

Mr. Tucker of Rye, for the Committee on Coastwise Improvements, to whom was referred House Bill No. 228, An act relating to the control of navigation at Hampton Harbor, the inlet, so-called, and the Hampton river, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend by striking out all after the enacting clause and inserting in place thereof the following:

1. *Control of Navigation.* Amend chapter 152 of the Public Laws by inserting after section 12 the following new sections:

*Navigation at Hampton Harbor, Harbor Inlet and Hampton River.* 12-a *Harbor-Master.* The New Hampshire Shore and Beach Preservation and Development Commission, cooperating with the selectmen of Hampton, Hampton Falls and Seabrook, may choose a harbor-master whose duty it shall be to oversee Hampton Harbor, the inlet thereto and Hampton river,

to preserve and regulate navigation within said harbor, inlet and river, to assign moorings, require the same to be kept in safe condition and to inquire into and prosecute for all offenses under section 12-g hereof. For the purposes hereof said harbor-master shall, with the approval of the aforesaid commission, make such necessary rules and regulations as he shall think proper. Said harbor-master shall remain in office for such time as the commission may determine and receive for his services such salary as the aforesaid commission and selectmen may determine; said salary to be borne jointly by the commission and the selectmen in such proportion to each as they may determine.

12-b. *Anchoring of Vessels.* The master of a vessel within said Hampton harbor, inlet or river shall anchor his vessel according to the regulations of the harbor-master and shall move to such place as the harbor-master directs.

12-c. *Removal of Vessels.* The harbor-master may if necessity demands or an emergency arises, at the expense of the masters or owners thereof, cause the removal of any vessel which lies in said harbor, inlet or river, and if it is not moved when directed by him, and upon the neglect or refusal of such master or owner on demand to pay such expense, he may recover the same from the master or owner thereof, for use in defraying the salary of the harbor master.

12-d. *Removal from Wharf or Pier.* If the master or other person in charge of a vessel occupying a berth at a public wharf or pier fails, after notice from the harbor-master, to remove his vessel from such berth or pier within such time as the harbor-master adjudges reasonable, the harbor-master shall cause the vessel to be moved to some other berth or anchored



in the harbor, inlet or river, and may recover the expense of such removal in an action of contract from the master or owners thereof, for the use of the appointing authority.

12-e. *Definition.* The word "vessel" as used in these sections shall include boats of all sizes propelled by sail, machinery or hand, scows, dredgers, shellfish cars, and craft of every kind.

12-f. *Penalty.* Whosoever violates any of the provisions of the preceding sections, or any rules or regulations promulgated hereunder, or refuses or neglects to obey the lawful orders of the harbor-master, or resists him in the execution of his duties, shall be fined not more than fifty dollars (\$50.00). Said fine to be for use in defraying the salary of the harbor-master.

2. *Takes Effect.* This act shall take effect upon its passage.

The report was accepted.

The reading of the amendments having commenced, on motion of Mr. Fernald of Dover, further reading of the amendments was dispensed with.

The amendments were adopted, the bill ordered to a third reading.

(Mr. Sanderson of Pittsfield in Chair)

Mr. Baker of Concord for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 354, An act in amendment of the charter of the city of Keene, with the recommendation that the bill be referred to the Committee on Judiciary.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Judiciary.

On motion of Mr. Callahan of Keene,

*Resolved*, That the rules be suspended and the order whereby House Bill No. 354, An act in amendment of the charter of the city of Keene was referred to the Committee on Judiciary be vacated and the bill be referred to a special committee consisting of the delegation from the city of Keene.

Mr. Boynton of Hillsboro for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 355, An act authorizing the sale of certain property of the state in the town of Barnstead, with the recommendation that the bill be referred to the Committee on Judiciary.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Judiciary.

Mr. Osborne of Sunapee for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 356, An act relating to the state house, state house annex, state library and the Hannah Dustin monument, with the recommendation that the bill be referred to the Committee on State House and State House Yard.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on State House and State House Yard.

Mr. Sanderson of Pittsfield for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 357, An act relating to the powers of the Village Fire Precinct of Wolfeboro, with the recommendation that the bill be referred to the Committee on Judiciary.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Judiciary.

Mr. Etsler of Claremont for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 358, An act creating a state aeronautics commission, with the recommendation that the bill be referred to the Committee on Judiciary.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Judiciary.

Mr. Hunter of Hanover for the Committee on Rules, having considered the subject, reported the following joint resolution, House Joint Resolution No. 66, Joint resolution for the protection of the town of Bartlett against flood and river erosion, with the recommendation that the joint resolution be referred to the Committee on Public Improvements.

The report was accepted, the joint resolution read a first and second time, laid upon the table to be printed and referred to the Committee on Public Improvements.

### Message from the Senate

A message from the Honorable Senate by its Clerk announced that the Senate had voted to adopt the report of the Committee of Conference on House Bill No. 9, An act relating to horse racing and creating a state racing commission.

### Resolution

Mr. Emerson of Milford offered the following resolution:

*Resolved*, Tuesday, March 14, being Town Meeting day, the regular sessions of the House will be dispensed with.

On a *viva voce* vote the resolution was adopted.

On motion of Mr. Fernald of Dover, business in order at 3 o'clock was made in order at the present time.

### Third Readings

On motion of Mr. Fernald of Dover the rules were suspended and the third reading of bills by their titles and a concurrent resolution by its caption made in order.

House Bill No. 259, An act relating to the power of the Superior Court.

House Bill No. 228, An act relating to the control of navigation at Hampton harbor, the Inlet, so called, and the Hampton river.

House Bill No. 340, An act closing Miller and Stocker ponds in the town of Grantham to ice fishing.

House Bill No. 165, An act relating to the construction of sidewalks in the city of Nashua.

House Bill No. 353, An act relating to the school privileges in the town of Lisbon.

Severally read a third time and passed and sent to the Senate for concurrence.

### Personal Privilege

Mr. Hamilton of Lisbon rose to a point of personal privilege and stated he desired to be excused from voting on House Bill No. 353, An act relating to the school privileges in the town of Lisbon, under Rule No. 17.

### Committee Changes

The Speaker announced the following committee changes:

Mr. Shedd of New Boston to the Committee on Fisheries and Game, and Mr. Tuttle of Hancock to the

Committee on Labor, replacing Mr. Avery of Holder-ness, deceased.

On motion of Mr. Osborne of Sunapee at 11:52 o'clock the House adjourned.

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THURSDAY, MARCH 9, 1938.

The House met at 11:00 o'clock.

Prayer was offered by the Chaplain.

### Resolution

On motion of Mr. Callahan of Keene,

*Resolved*, That when the House adjourns this morning it to be to meet Friday morning at 9 o'clock and that when it then adjourns it adjourns to meet Monday evening at 6 o'clock and that when it then adjourns it adjourns to meet Wednesday morning at 11:00 o'clock.

### Committee Reports

Mr. Barnard of Manchester for the Committee on Revision of Statutes, to whom was referred House Bill No. 326, An act relating to town appropriations, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 by striking out the entire section and inserting in place thereof the following:

1. *Town Appropriations.* Amend section 4 of chapter 42 of the Public Laws by inserting after paragraph XXVIII as inserted by section 2, chapter 119, Laws of 1937, the following new paragraph: XXIX. *Veterans Conventions.* Any town in the state wherein

is held the Annual State Convention of any state organization of Veterans who have served in the Army or Navy of the United States, in time of war, may vote to contribute money towards the expenses of such Annual Convention, but in no case shall such contribution exceed six hundred dollars (\$600.)

The report was accepted.

The question being on the adoption of the amendment.

(Discussion ensued)

Messrs Shaw of Franklin and Barnard of Manchester spoke in favor of the amendment.

Mr. Frissell of Keene, spoke against the amendment.

Mr. Frissell asked for a division.

A division being had the vote was declared manifestly in the affirmative and the amendment was adopted, and the bill ordered to a third reading.

On motion of Mr. Fernald of Dover, the rules were suspended, the bill was put upon its third reading by title and final passage at the present time.

The bill was then read a third time and passed and sent to the Senate for concurrence.

Mr. Barnard of Manchester for the Committee on Revision of Statutes, to whom was referred House Bill No. 119, An act exempting widows and minor children from taxation, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Barnard of Manchester for the Committee on Revision of Statutes, to whom was referred House Bill No. 54, An act relative to the powers of the state police in municipalities, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.



The report was accepted and the resolution of the committee adopted.

Mr. Merrow of Ossipee, for the Committee on Ways and Means, to whom was referred House Bill No. 274, An act relating to the taxation of poultry, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Batchelder of Northfield, for the Committee on Claims, to whom was referred House Joint Resolution No. 59, Joint resolution in favor of Frank Liano, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Batchelder of Northfield, for the Committee on Claims, to whom was referred House Joint Resolution No. 31, Joint resolution in favor of Willie C. Fife, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Batchelder of Northfield for the Committee on Claims, to whom was referred House Joint Resolution No. 49, Joint resolution in favor of Bernie C. Gray, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Barnard of Manchester for the Committee on Revision of Statutes, to whom was referred House Bill No. 74, An act relating to "Actions against Tenants," reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Barnard of Manchester, for the Committee on Revision of Statutes, to whom was referred House Bill No 134, An act relating to the payment of the poll taxes of married women, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 by adding at the end thereof the following, so long as they are living together as man and wife, so that said section as amended shall read as follows:

1. Amend Chapter 60 of the Public Laws by inserting after section four thereof the following new section.

4a. *Married Women.* The husband of any woman against whom a poll tax has been assessed shall be liable for the payment thereof as if the tax lawfully had been assessed against him, so long as they are living together as man and wife.

The report was accepted, the amendment adopted and the bill ordered to a third reading.

Mr. Hutchins of Claremont for the Committee on Public Health, to whom was referred House Bill No. 328, An act relating to ice cream and sherbets, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend the sixth paragraph of section I of said bill by adding at the end thereof the following; Nor shall such ice cream or sherbets be manufactured or re-tailed unless the manufacturer or retailer thereof holds a permit to do so from the state board of health. Said permits shall be subject to revocation upon evidence of violation of any of the provisions of this paragraph, so that said paragraph as amended shall read as follows: IV. *Exception as to Use of Sac-*

*charin*. Nothing contained in section 3, paragraph V, of this chapter shall serve to prevent the manufacture and sale of ice cream and sherbets in which saccharin or a similar artificial sweetening agent has been substituted for sugar, where such manufacture and sale shall be solely for the purpose of providing a product for the bona fide use only of those consumers whose condition of health prevents the consumption of sugar in normal degree. No ice cream or sherbets so manufactured shall be dispensed from bulk, but shall be sold only in packages that are plainly and conspicuously labeled to show the presence of such saccharin or similar artificial sweetening agent and the purpose of the latter's having been substituted for sugar, or shall such ice cream or sherbets be manufactured or retailed unless the manufacturer or retailer thereof holds a permit to do so from the state board of health. Said permits shall be subject to revocation upon evidence of violation of any of the provisions of this paragraph.

The report was accepted the amendment adopted and the bill ordered to a third reading.

Mr. Batchelder of Northfield, for the Committee on Claims, to whom was referred House Joint Resolution No. 24, Joint resolution in favor of H. W. Hillier of Lancaster, reported the same with the following amendment, and the recommendation that the joint resolution as amended ought to pass.

Amend the joint resolution by striking out in the first line the following: "twenty-five hundred dollars (\$2,500)" and inserting in place thereof the following: fifteen hundred dollars (\$1,500), so that said joint resolution as amended shall read as follows:

That the sum of fifteen hundred dollars (\$1,500) be allowed and paid to H. W. Hillier for personal injuries sustained by him while employed by the state high-

way department at Dalton, March 9, 1938, occasioned by the premature explosion of dynamite. Said sum shall be a charge upon the highway funds and shall be in full settlement of said claim.

The report was accepted, the amendment adopted and the joint resolution referred to the Committee on Appropriations under the rules.

Mr. Hutchins of Claremont, for the Committee on Public Health, to whom was referred House Bill No. 344, An act relating to occupational diseases, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 3 by striking out the figure 2, in line 4 and inserting in place thereof the figure 1, so that said section as amended shall read as follows: 3. Amend section 3 of said chapter by striking out the whole of said section and substituting in place thereof the following: 3. *Inadmissibility in Civil Actions.* All reports as required by section 1, and all records and findings as a result of investigations, studies and reports made in connection with the carrying out of the provisions of section 5 of this chapter, shall be inadmissible as evidence in any civil action at law.

The report was accepted, the amendment adopted and the bill referred to the Committee on Judiciary under the rules.

Mr. Baker of Concord, for the Committee on Rules, having considered the subject, reported the following entitled Bill, House Bill No. 359, An act relating to the issuance of no par value stock by cooperative-marketing associations, with the recommendation that the bill be referred to the Committee on Agriculture.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Agriculture.

Mr. Batchelder of Northfield, for the Committee on Claims, to whom was referred House Joint Resolution

No. 28, Joint resolution in favor of Harry S. Taylor, reported the same with the following amendment, and the recommendation that the joint resolution as amended ought to pass.

Amend the joint resolution by striking out all after the resolving clause and inserting in place thereof the following:

That the sum of fifteen dollars (\$15) be allowed Dr. J. S. Shaw and eighty-two dollars (\$82) be allowed Dr. Alexander Beaton for doctors' bills arising from injuries sustained by Harry S. Taylor of Salisbury, while employed at the State Nursery by the forestry and recreation department, November 30, 1936, said accident being due to the explosion of a blasting cap; and that the sum of fourteen hundred and three (\$1403) be allowed said Harry S. Taylor to compensate him for loss of vision of one eye caused by said accident. The governor is hereby authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

The report was accepted, the amendment adopted and the joint resolution referred to the Committee on Appropriations under the rules.

### Message from the Senate

A message from the Honorable Senate by its Clerk announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bills sent up from the House of Representatives:

House Bill No. 48, An act to amend the Charter of Coe's Northwood Academy.

House Bill No. 132, An act relating to distraint.

House Bill No. 133, An act regarding tax liens on real estate.

House Bill No. 135, An act relating to abatement.

House Bill No. 138, An act relating to assessment.



House Bill No. 139, An act relative to the payment of poll taxes.

House Bill No. 148, An act relating to Building and Loan Associations.

House Bill No. 188, An act relating to land used for school purposes.

The message further announced that the Senate had voted to concur with the House of Representatives in its adoption of the amendments offered by the Committee on Engrossed Bills to the following entitled bill,

Senate Bill No. 15, An act relating to solicitor's permits.

The message further announced that the Senate had voted to adopt the amendments offered by the Committee on Engrossed Bills, to the following House Bill, in the adoption of which amendments the Senate asked the concurrence of the House of Representatives:

House Bill No. 168, An act legalizing the action of the Bethlehem Village District annual meeting.

Amend section 2 of said bill by striking out the same and inserting in place thereof the following:

2. *Transfer of Powers and Duties.* All powers and duties now conferred upon the board of water commissioners for the Bethlehem Village Precinct by chapter 154 of the Laws of 1905 are hereby transferred to the commissioners of the Bethlehem Village District constituted under chapter 295 of the Laws of 1925.

Amend section 3 of said bill by striking out the same and inserting in place thereof the following:

3. *Repeal; Takes Effect.* Sections 1, 2 and 3 of chapter 154 of the Laws of 1905, relative to the establishment of a board of water commissioners, are hereby repealed and this act shall take effect upon its passage.



Amend the title of said bill by adding at the end thereof the following:

and transferring certain powers from the board of water commissioners to the village commissioners of said district.

On motion of Mr. Tilton, Ward 4 of Laconia, the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

The message also announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bill sent up from the House of Representatives:

House Bill No. 326, An act relating to town appropriations.

### Committee Report

On motion of Mr. Tilton, Ward 4 of Laconia, the rules were suspended to allow for the presentation of a committee report which had not previously been advertised in the Journal.

Mr. Normandin of Laconia, for the Committee on Judiciary, to whom was referred House Bill No. 150, An act to regulate the practice of general contracting, reported the bill in its new draft with the recommendation that the bill in its new draft be printed and re-committed to the Committee on Judiciary.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and re-committed to the Committee on Judiciary.

Mr. Tilton of Ward 4, Laconia moved that the Clerk be instructed to procure 2,000 copies of House Bill No. 150, An act to regulate the practice of general contracting.

The question being on the motion of Mr. Tilton.

On a *viva voce* vote the Chair was in doubt.

Mr. Elkins of Concord moved to amend the motion of Mr. Tilton by striking out the figures "2000" and inserting in the place thereof the figures "1000."

The question being on the amendment offered by Mr. Elkins.

On a *viva voce* vote the amendment to the motion was adopted.

The question being on the motion offered by Mr. Tilton of Laconia, as amended.

On a *viva voce* vote the motion offered by Mr. Tilton of Laconia, as amended was adopted.

### Resolution

Mr. Wadleigh of Milford offered the following resolution.

*Whereas*, this House has learned with sorrow of the passing of Frank W. Stearns, father of Congressman Foster Stearns of Hancock, therefore be it

*Resolved*, that we extend to Congressman Stearns our most sincere sympathy in his bereavement, and be it further

*Resolved*, that the Clerk be instructed to send him a copy of these resolutions.

FRED T. WADLEIGH,  
FRANCIS P. CALLAHAN,  
FRANK E. GEORGE,  
FLORENCE W. HOYT,  
ELIZABETH H. MASON,

The resolution was unanimously adopted by a rising vote.

### Third Readings

On motion of Mr. Fernald of Dover the rules were suspended and the third readings of bills by their titles made in order.

House Bill No. 74, An act relating to "actions against tenants."

House Bill No. 134, An act relating to the payment of poll taxes of married women.

House Bill No. 328, An act relating to ice cream and sherbets.

Severally read a third time and passed and sent to the Senate for concurrence.

### Committee Report

Mr. Sawyer of Woodstock for the Committee on Engrossed Bills, reported that the committee had examined and found correctly engrossed the following entitled bills:

House Bill No. 168, An act legalizing the action taken by the Bethlehem Village District annual meeting and transferring certain powers from the board of water commissioners to the village commissioners of said district.

House Bill No. 353, An act relating to school privileges in the town of Lisbon.

House Bill No. 326, An act relative to town appropriations.

The report was accepted.

### Message from the Senate

A message from the Honorable Senate by its Clerk announced that the Senate has voted to concur with the House of Representatives in the passage of the following entitled bills, sent up from the House of Representatives:

House Bill 353 An act relating to school privileges in the town of Lisbon.

The message also announced that the Senate had voted to adopt the amendment offered by the Committee on Engrossed Bills, to the following house

bill, in the adoption of which amendment the Senate asked the concurrence of the House of Representatives:

House Bill No. 326 An act relating to town appropriations.

Amend section 1 of said bill by striking out the first four lines and inserting in place thereof the following:

1. *Town Appropriations.* Amend section 4 of chapter 42 of the Public Laws by inserting after paragraph XXIX, as inserted by an act approved March 9, 1939, the following new paragraph: XXX.

On motion of Mr. Barnard of Manchester the House concurred in the adoption of the amendment proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

On motion of Mr. Cannell of Lebanon at 12:26 o'clock the House adjourned.

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FRIDAY, MARCH 10, 1939.

The House met at 9:00 o'clock.

The following letter was read by the Clerk:

Friday, March 10, 1939.

Mr. George H. Nash,  
Concord, N. H.

DEAR SIR:

I shall be unable to attend the session on Friday morning. Will you kindly preside for me and oblige.

Yours respectfully.

ANSEL N. SANBORN,  
*Speaker.*

On motion of Mr. Elkins of Concord at 9:01 o'clock the House adjourned.

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MONDAY, MARCH 13, 1939.

The House met at 6:00 o'clock.

The following letter was read by the Clerk:

Monday, March 13, 1939.

Mr. Robert H. Sanderson,  
Pittsfield, N. H.

DEAR SIR:

I shall be unable to attend the session on Monday evening. Will you kindly preside for me and oblige.

Yours respectfully,

ANSEL N. SANBORN,  
*Speaker.*

There being no quorum present at 6:01 o'clock the House adjourned.

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WEDNESDAY, MARCH 15, 1939.

The House met according to adjournment.

Prayer was offered by the Chaplain.

#### Leaves of Absence

Mr. Cannell of Lebanon was granted leave of absence for the day on account of attending a funeral.

Mr. Gilmartin of Manchester was granted leave of absence for the day on account of important business.

Messrs. Talty of Manchester and Vittum of Tamworth were granted leave of absence for the week on account of illness.

### Committee Reports

Mrs. Batchelder of Hanover for the Committee on Engrossed Bills reported that the committee had examined and found correctly engrossed the following entitled bills:

Senate Bill No. 15, An act relating to solicitor's permits.

House Bill No. 26, An act relating to documents in the office of the insurance commissioner.

House Bill No. 30, An act relating to incorporation of insurance companies.

House Bill No. 45, An act relative to the establishment of a game refuge on property of St. Paul's School.

House Bill No. 96, An act relative to legal holidays.

House Bill No. 114, An act relating to non-resident fur dealers.

House Bill No. 133, An act regarding tax liens on real estate.

House Bill No. 137, An act relating to tax collectors' bonds.

House Bill No. 152, An act authorizing the town of Belmont to issue refunding notes or bonds.

House Bill No. 277, An act relating to advertising in so-called tourist guides.

House Bill No. 280, An act to regulate the taking of brook trout in Trio ponds in Odell.

House Bill No. 352, An act relative to the issue of notes by the county of Merrimack.

The report was accepted.

Mr. Normandin of Laconia for the Committee on Judiciary, to whom was referred Senate Bill No. 11, An act relative to the celebration of Fast Day, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted.

The undersigned, a minority of the Committee on



Judiciary, to whom was referred Senate Bill No. 11, An act relative to the celebration of Fast Day, and being unable to agree with the majority, reported the same with the recommendation that the bill ought to pass.

GEORGE A. GRINNELL,  
FREDERICK A. TILTON,  
JOHN D. WILCOX,

*A Minority of the Committee.*

The report was accepted.

Mr. Wadleigh of Milford moved that the bill and the accompanying reports be indefinitely postponed.

The question being on the motion of Mr. Wadleigh.  
(Discussion ensued)

Messrs. Wadleigh of Milford, George of Concord, Atherton of Nashua, Smith of Hudson, and Barnard of Manchester, and Mrs. Griswold of Nashua spoke for the motion.

Messrs Grinnell of Derry, Tilton of Ward 4, Laconia, and Greene of Laconia, spoke against the motion.

Mr. Elkins of Concord moved the previous question.  
The question being,

Shall the main question now be put?

On a *viva voce* vote the previous question was ordered.

The question being on the motion of Mr. Wadleigh of Milford, that the bill and the accompanying reports be indefinitely postponed.

Mr. Atherton of Nashua called for a division.

A division being had the Speaker declared the vote manifestly in the affirmative, and the bill and the accompanying reports was indefinitely postponed.

Mr. Merrow of Ossipee for the Committee on Ways and Means, to whom was referred House Bill No. 316, An act regulating the taxation of timber blown down by the hurricane of September 21, 1938, reported the

same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend by striking out all after the enacting clause and inserting in place thereof the following:

1. *Lumber Exemption.* All logs blown down by the hurricane of 1938 or which have had to be cut by reason of injury from said hurricane, and the lumber finished or unfinished manufactured therefrom, are hereby exempted from taxation under the provisions of chapter 61, section 11, except when said logs or lumber constitute part of the owner's stock in trade.

2. *Procedure; Penalty.* In case any question shall arise as to whether such logs or lumber come within the provisions of section 1, the selectmen or assessors may require the taxpayer to present an affidavit under oath, setting forth the facts; and if any owner shall be found to have made a false statement in regard to such facts he shall be doomed four times the value of such property.

3. *Takes Effect.* This act shall take effect upon its passage.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mr. Merrow of Ossipee moved that the rules be suspended that the bill be put upon its third reading and final passage by title, at the present time.

The question being on the motion of Mr. Merrow.

(Discussion ensued)

Mr. Havican of Brentwood spoke against the motion.

Mr. Duncan of Jaffrey spoke for the motion.

Mr. Fernald of Dover moved the previous question.

The question being,

Shall the main question now be put?

On a *viva voce* vote the previous question was ordered.

The question being on the motion of Mr. Merrow.

On a *viva voce* vote the motion prevailed.

The bill was then read a third time and passed and sent to the Senate for concurrence.

Mr. Merrow of Ossipee, for the Committee on Ways and Means, to whom was referred House Bill No. 233, An act in relation to taxation of fallen timber and lumber sawed from same, reported the same with the following resolution

*Resolved*, That it is inexpedient to legislate, subject matter covered by other legislation.

The report was accepted and the resolution of the committee adopted.

Mrs. Bixby of Berlin, for the Committee on Liquor Laws, to whom was referred House Bill No. 238, An act relative to the sale of beverages, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Barnard of Manchester, for the Committee on Revision of Statutes, to whom was referred House Bill No. 272, An act relating to standard time, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Carpenter of Wolfeboro, for the Committee on Fisheries and Game, to whom was referred House Bill No. 170, An act relating to hunting of deer, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted.

On motion of Mr. Carpenter of Wolfeboro the bill was recommitted to the Committee on Fisheries and Game.

Mr. Carpenter of Wolfeboro, for the Committee on

Fisheries and Game, to whom was referred House Bill No. 174, An act relating to hunting of deer, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Carpenter of Wolfeboro, for the Committee on Fisheries and Game, to whom was referred House Bill No. 260, An act relative to taking deer in Carroll County, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Carpenter of Wolfeboro, for the Committee on Fisheries and Game, to whom was referred House Bill No. 172, An act relating to hunting of deer, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Carpenter of Wolfeboro, for the Committee on Fisheries and Game, to whom was referred House Bill No. 164, An act relating to taking deer in Cheshire County, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Callahan of Keene, for the Committee on State Prison, to whom was referred House Bill No. 338, An act for improvements at the state prison, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill referred to the Committee on Appropriations under the rules.

Mr. Callahan of Keene, for the Committee on State

Prison, to whom was referred House Joint Resolution No. 62, Joint Resolution making appropriations for the state prison farm, reported the same with the recommendation that the joint resolution ought to pass.

The report was accepted and the joint resolution was referred to the Committee on Appropriations under the rules.

Mr. Callahan of Keene, for the Committee on State Prison, to whom was referred House Joint Resolution No. 63, Joint Resolution making an appropriation for the construction and equipment of a piggery at the state prison, reported the same with the recommendation that the joint resolution ought to pass.

The report was accepted and the joint resolution was referred to the Committee on Appropriations under the rules.

Mr. Barnard of Manchester, for the Committee on Revision of Statutes, to whom was referred House Bill No. 269, An act relating to assignment of wage claims to Labor Commissioner for recovery by civil action, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Barnard of Manchester, for the Committee on Revision of Statutes, to whom was referred House Bill No. 129, An act relating to fraternal benefit societies, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Barnard of Manchester, for the Committee on Revision of Statutes, to whom was referred House Bill No. 322 (in new title), An act relating to the definition of dealer in the law relating to motor vehicles, reported

the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Sanderson of Pittsfield, for the Committee on Appropriations, to whom was referred House Joint Resolution No. 26, Joint resolution for a memorial work commemorating the sesqui-centennial of the federal constitution, reported the same with the following amendment, and the recommendation that the joint resolution as amended ought to pass.

Amend said resolution by striking out all after the resolving clause and inserting in place thereof the following:

That the sum of two thousand dollars (\$2,000) be and hereby is appropriated for the compilation and publication of a memorial work commemorating New Hampshire's part in the federal constitution and its sesquicentennial celebration. Said sum shall be expended under the direction of the governor and council, provided that the work of collecting, editing and preparing for publication the material necessary for such publication shall be performed by the chairman of the sesquicentennial commission appointed to have charge of the 1938 celebration, and provided further that said publication shall include a reprint of the first one hundred and twenty pages of "A History of the New Hampshire Convention" by Joseph B. Walker, published in 1888. All copies of the work to be published hereunder shall be sold for such sums as the governor and council shall determine and all receipts from said sale shall be turned into the general funds of the state. The governor is hereby authorized to draw his warrant for the sum hereby appropriated out of any money in the treasury not otherwise appropriated.



The report was accepted, the amendment adopted and the joint resolution ordered to a third reading.

Mr. Saltmarsh of Concord, for the Special Committee, consisting of the delegation from the city of Concord to whom was referred House Bill No. 334, An act in amendment of the laws relating to the Union School District in Concord, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend said bill by striking out the whole of section 2 and inserting in its place the following:

2. All acts and parts of acts inconsistent with this act shall not apply to said Union School District, and this act shall take effect upon its passage.

The report was accepted, the amendment adopted and the bill ordered to a third reading.

Mr. Carpenter of Wolfeboro, for the Committee on Fisheries and Game, to whom was referred House Bill No. 176, An act to close the South branch of Gale river to fishing, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 by inserting after the word, "Bethlehem" in line two the words, for one-fourth mile, so that said section as amended shall read as follows:

1. *Prohibition.* All fishing is prohibited in the South branch of the Gale river in Franconia and Bethlehem for one-fourth mile above the point of the intake, so called, of the Bethlehem Village District and in all tributaries entering said Gale river above said point of intake situated in the town of Franconia.

The report was accepted, the amendment adopted and the bill ordered to a third reading.

Mr. Carpenter of Wolfeboro for the Committee on Fisheries and Game to whom was referred House Bill No. 167, An act to close Zealand pond and part of Zealand river and certain of its tributaries to fishing, re-

ported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend the title by striking out in line one the words, "Zealand pond and part of", so that said title as amended shall read as follows:

An act to close Zealand river and certain of its tributaries to fishing.

Amend section 1 by striking out in line three the words, "Zealand pond, so-called, and in" and by inserting after the word, "river" in said line three the words, for one-fourth mile above the point of intake, so that said section as amended shall read as follows:

1. *Prohibition.* To prevent pollution of the public water supply of the Bethlehem Village District all fishing is prohibited in Zealand river for one-fourth mile above the point of intake and all tributaries thereto from its and their sources to the point of intake, so-called, of the said public water supply of the Bethlehem Village District, situated in the town of Bethlehem.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mr. Carpenter of Wolfeboro, for the Committee on Fisheries and Game, to whom was referred House Bill No. 302, An act relating to trapping, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 by striking out the entire section and inserting in place thereof the following:

1. Amend section 6 of chapter 200 of the Public Laws as inserted by section 4, chapter 124, Laws of 1935, as amended by section 15-a., chapter 188 of the Laws of 1937, by adding at the end of said section the following: without permission of abutors. No person shall set or arrange any trap in or under any bridge, ditch or drainage system, whether artificial or natural, within the limits of the right of way of any public

highway. So that said section as amended shall read as follows: 6. *Setting Traps*. No person shall set or arrange any trap upon any land of which he is not the owner or occupant, except upon land covered by a stream navigable by a boat, until he shall have secured from the owner or occupant, a permit in writing signed by said owner or occupant, and until he shall have filed with the director a copy thereof, together with a description of the land on which trapping is to be done. All metal traps shall have stamped or engraved thereon, in a legible and permanent manner, the name of the person setting them. No person shall set or arrange any trap in a public way, cart road, or path, commonly used as a passage way by human beings or domestic animals without permission of abutors. No person shall set or arrange any trap in or under any bridge, ditch or drainage system, whether artificial or natural, within the limits of the right of way of any public highway.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mr. Carpenter of Wolfeboro, for the Committee on Fisheries and Game, to whom was referred House Bill No. 83, An act relating to fur-bearing animals, re-reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *Beaver*. Amend section 4 of chapter 200 of the Public Laws, as inserted by section 4, chapter 124, Laws of 1935, by striking out said section and inserting in place thereof the following: 4. *Sable, Fisher, Marten*. There shall be no open season for sable, fisher and marten.

2. *Open Season by Proclamation.* Amend chapter 200 of the Public Laws, as inserted by section 4, chapter 124, Laws of 1935, by inserting after section 5 the following new subdivision:

### Beaver

5-a. *Open Season.* During any part of the months of March and April in Coos county the director, upon written complaint of a water company or a landowner setting forth that beaver are polluting a water supply or doing actual and substantial damage to property, or upon his own motion when he deems that beaver are detrimental to fishing, or hunting, or to lumbering operation, may declare an open season on beaver. 5-b. *Notice.* Before said season is opened said director shall cause notice of said proposed open season to be published once in a newspaper published in Coos county and shall also file a copy of said notice with the clerk of each town or city affected.

5-c. *Trapping.* During said open season any resident of the state holding a trapping license may take and possess beaver by means of traps only. 5-d. *Stamping; Sale of Skins.* Whenever a person shall lawfully take beaver during the open season as provided in sections 5-a and 5-c he shall present the skin of such beaver, within ten days from the closing of said open season, to a conservation officer who shall stamp the same upon receipt of a fee of two dollars. Beaver skins lawfully taken and stamped may be bought and sold.

5-e. *Prohibition.* Except as provided in this subdivision no person shall take or possess beaver in this state. No person shall sell, give away, buy, accept as a gift, offer to transport or transport any beaver skin unless the skin is stamped with the official seal of a conservation officer. No person shall destroy or dis-

turb or interfere in any manner with the dams or houses of beaver, without first obtaining a special permit from the director, except as may be necessary in connection with trapping beaver in Coos county during the open season therefor. 5-f. *Penalty.* Whoever violates any of the provisions of this subdivision shall be fined not less than twenty-five nor more than fifty dollars.

3. *Amendment.* Amend section 13 of said chapter 200, as amended by section 17, chapter 188, Laws of 1937, by striking out said section and inserting in place thereof the following: 13. *Penalties.* A person who violates a provision of this chapter shall be fined as follows: For each violation of sections 1 to 5, inclusive, and sections 6 to 8, inclusive, not more than ten dollars and not more than five dollars additional for each otter, mink, muskrat, skunk, raccoon, or fox taken or possessed contrary to the provisions thereof, and not more than fifty dollars additional for each sable, marten or fisher so taken or possessed; for each violation of sections 9 and 10, not more than five hundred dollars, and such person shall be liable for twice the amount of the damage caused by his act, to be recovered by the person or his estate sustaining the injury or loss; and for each violation of section 11, not more than fifty dollars.

4. *Takes Effect.* This act shall take effect upon its passage.

The report was accepted.

Reading of the amendment having commenced on motion of Mr. Willis of Gorham further reading of the amendment was dispensed with, the amendment adopted and the bill ordered to a third reading.

Mrs. Bixby of Berlin, for the Committee on Liquor Laws, to whom was referred House Bill No. 210, An



act relative to bell boys in first class hotels, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted.

We, the undersigned, a minority of the Committee on Liquor Laws, to whom was referred House Bill No. 210, An act relative to bell boys in first class hotels, and being unable to agree with the majority, reported the same with the recommendation that the bill ought to pass.

PARKER L. HANCOCK,  
MICHAEL J. DWYER,  
J. O. GELINAS,  
GEORGE J. PHELAN,  
*A Minority of the Committee.*

The report was accepted.

Mr. Hancock of Concord moved to substitute the minority report "ought to pass" for the report of the majority "inexpedient to legislate."

The question being on the motion to substitute.

(Discussion ensued)

Messrs. Hancock of Concord, Tilton of Ward 4, Laconia, Barnard of Manchester and Sanderson of Pittsfield spoke for the motion.

Messrs. Conlon of Concord and Tilton of Concord spoke against the motion.

Mr. Elkins of Concord moved the previous question.

The question being,

Shall the main question now be put?

On a *viva voce* vote the previous question was ordered.

The question being on the motion to substitute.

Mr. Kimball of Manchester called for a division.

A division being had 111 members voted in the affirmative and 157 members voted in the negative and less than two thirds of the members elected being



present and voting, and less than two thirds of those voting having voted in either the affirmative or negative, no valid action was taken and the bill went into unfinished business.

Mrs. Batchelder of Hanover, for the Committee on Engrossed Bills, to whom was referred Senate Bill No. 20, An act relating to the payment of county taxes, reported the same, under Joint Rule No. 6, with the following amendment and recommended that the bill as amended ought to pass.

Amend section 1 of said bill by inserting after the word "Laws" in the first line the words and figures, as amended by section 1, chapter 50, Laws of 1933, and by striking out the word "fully" in the fourteenth line and inserting in place thereof the word "deemed."

On motion of Mr. Elkins of Concord the House concurred in the adoption of the amendment proposed by the Committee on Engrossed Bills.

The bill was then sent to the Senate for concurrence in the amendment.

### Message from the Senate

A message from the Honorable Senate by its clerk announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bills sent up from the House of Representatives:

House Bill No. 26, An act relative to documents in the office of the Insurance Commissioner.

House Bill No. 30, An act relating to incorporation of insurance companies.

House Bill No. 43, An act relating to the closing to fishing of Umbagog lake.

House Bill No. 45, An act relative to the establishment of a fish and game refuge on property of St. Paul's School.

House Bill No. 47, An act relating to smelt fishing.

House Bill No. 82, An act making sundry changes in the sale of securities law.

House Bill No. 96, An act relative to legal holidays.

House Bill No. 152, An act authorizing the town of Belmont to issue refunding notes or bonds.

House Bill No. 255, An act providing for an extension of the act relative to the issuance with state guarantee of emergency notes and bonds by towns, cities and counties.

House Bill No. 277, An act relating to advertising in so-called tourist guides.

House Bill No. 280, An act to regulate the taking of brook trout in Trio ponds in Odell.

House Bill No. 337, An act authorizing the city of Franklin to issue refunding notes and bonds.

House Bill No. 352, An act relative to the issue of notes by the county of Merrimack.

The message also announced that the Senate had passed a bill with the following title, in the passage of which it asked the concurrence of the House of Representatives:

Senate Bill No. 8, An act providing for the payment by wholesale permittees of certain fees for the sale of certain alcoholic beverages.

### **Senate Bill Read and Referred**

Senate Bill No. 8, An act providing for the payment by wholesale permittees of certain fees for the sale of certain alcoholic beverages.

Read a first and second time and referred to the Committee on Liquor Laws.

### **Resolution**

On motion of Mrs. Cooper of Nashua,

*Resolved:* That the use of the Hall of Representatives be granted to the Manchester Institute of Arts and Sciences and the Manchester City Club, sponsors

of the "New Hampshire Town Meeting of the Air," for the evening of March 28, at 7 P. M., to discuss House Bill No. 225, An act establishing a merit system of personnel administration of state employees.

On motion of Mr. Baker at 1:35 o'clock the House adjourned.

### Afternoon

The House met at 3 o'clock.

On motion of Mr. Fernald of Dover the rules were suspended and the third readings of bills by their titles and joint resolution by its caption were in order.

House Bill No. 83, An act relating to fur-bearing animals.

House Bill No. 129, An act relating to fraternal benefit societies.

House Bill No. 167, An act to close Zealand river and certain of its tributaries to fishing.

House Bill No. 176, An act to close the South branch of Gale river to fishing.

House Bill No. 269, An act relating to assignment of wage claims to labor commissioner for recovery by civil action.

House Bill No. 302, An act relating to trapping.

House Bill No. 322, An act relating to the definition of dealer in the law relating to motor vehicles.

House Bill No. 334, An act in amendment of the laws relating to the Union School District in Concord.

House Joint Resolution No. 26, Joint resolution for a memorial work commemorating the sesquicentennial of the federal constitution.

Severally read a third time and passed and sent to the Senate for concurrence.

On motion of Mr. Gay of Hillsboro at 3:15 o'clock the House adjourned.

THURSDAY, MARCH 16, 1939.

The House met at 11 o'clock.

Prayer was offered by the Chaplain.

### Leaves of Absence

Messrs. Dupont of Pembroke and O'Shan of Laconia were granted leaves of absence for the day on account of illness.

### Resolution

On motion of Mr. Callahan of Keene,

*Resolved*, That when the House adjourns this morning, it be to meet Friday morning at 9 o'clock, and that when it then adjourns it adjourns to meet Monday evening at 6:00 o'clock.

### Committee Reports

Mrs. Batchelder of Hanover, for the Committee on Engrossed Bills, reported that the committee had examined and found correctly engrossed the following entitled bill:

House Bill No. 48, An act to amend the charter of Coe's Northwood Academy.

The report was accepted.

Mr. Merrow of Ossipee, for the Committee on Ways and Means, to whom was referred House Bill No. 286, An act increasing poll taxes, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Batchelder of Northfield, for the Committee on Claims, to whom was referred House Joint Resolution No. 44, Joint resolution in favor of Blanch O. Bachman, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Carpenter of Wolfeboro, for the Committee on Fisheries and Game, to whom was referred House Bill No. 169, An act to open Great pond in Kingston to ice fishing, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Merrow of Ossipee, for the Committee on Ways and Means, to whom was referred House Bill No. 69, An act relating to fees for permits and licenses for boxing and wrestling bouts, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Normandin of Laconia, for the Committee on Judiciary, to whom was referred House Bill No. 346, An act to legalize the biennial election held on the 8th day of November, 1938, in the town of Middleton, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Normandin of Laconia, for the Committee on Judiciary, to whom was referred Senate Bill No. 14, An act designating the White Mountain Highway, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Carpenter of Wolfeboro, for the Committee on Fisheries and Game, to whom was referred House Bill No. 330, An act to close Diamond Pond, otherwise known as Tom Pond in Warner, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Carpenter of Wolfeboro, for the Committee on Fisheries and Game, to whom was referred House Bill No. 161, An act relative to fishing in Gumpus Pond in Pelham, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Carpenter of Wolfeboro, for the Committee on Fisheries and Game, to whom was referred House Bill No. 162, An act to close Lake Katherine in the town of Piermont to all fishing, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mrs. Batchelder of Hanover, for the Committee on Engrossed Bills, to whom was referred Senate Bill No. 19, An act relating to pharmacist's equipment, reported the same, under Joint Rule No. 6, with the following amendment and recommended that the bill as amended ought to pass.

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1. *Registered Retail Drug Stores.* Amend chapter 210 of the Public Laws by inserting after section 42 the following new section: 42-a. *Equipment.* Each retail drug store registered with the board shall be equipped with proper pharmaceutical utensils, as determined by the board, so that prescriptions can be properly filled and United States Pharmacopoeia and National Formulary preparations properly compounded. The board shall prescribe the minimum of such professional and technical equipment which such drug store shall at all times possess. No permit for registration as a retail drug store shall be issued or re-



newed until or unless said store complies with the provisions hereof and the board may suspend or revoke a permit whenever the professional or technical equipment fails to conform with that prescribed as aforesaid.

On motion of Mr. Elkins of Concord the House concurred in the adoption of the amendment proposed by the Committee on Engrossed Bills.

The bill was then sent to the Senate for concurrence in the amendment.

### Recalled from Governor

Mr. Baker of Concord moved that Senate Bill No. 1, An act authorizing joint control of sureties, be recalled from His Excellency, the Governor.

The question being on the motion of Mr. Baker.

(Discussion ensued)

Mr. Baker of Concord spoke for the motion.

Mr. Chase of Manchester spoke against the motion.

On a *viva voce* vote the motion was adopted.

Mr. Baker of Concord moved that the rules be suspended and the House reconsider its vote whereby it passed Senate Bill No. 1, An act authorizing joint control of sureties.

On a *viva voce* vote the motion prevailed.

Mr. Baker of Concord moved that the rules be further suspended and the order whereby Senate Bill No. 1, An act authorizing joint control of sureties was put upon its third reading, be vacated, and the bill be put back upon its second reading.

On a *viva voce* vote the motion prevailed.

On motion of the same member the bill was recommended to the Committee on Insurance.

### Committee Reports

Mr. Hunter of Hanover for the Committee on Rules, having considered the subject, reported the following

entitled bill, House Bill No. 360, An act relating to remedial care for injured workmen, with the recommendation that the bill be referred to the Committee on Revision of the Statutes.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Revision of the Statutes.

Mr. Hunter of Hanover for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 361, An act relative to the Kearsarge Mountain recreational area, with the recommendation that the bill be referred to the Committee on Forestry and Recreation.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Forestry and Recreation.

Mr. Baker of Concord for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 362, An act authorizing the board of accountancy to make rules and regulations, with the recommendation that the bill be referred to the Committee on Revision of the Statutes.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Revision of the Statutes.

Mr. Etsler of Claremont for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 363, An act prohibiting trespass on the White Mountain National Forest in times of fire hazard, with the recommendation that the bill be referred to the Committee on Judiciary.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Judiciary.

Mr. Etsler of Claremont for the Committee on Rules, having considered the subject, reported the

following entitled bill, House Bill No. 364, An act to authorize the establishment of the Jackson village fire and water district, with the recommendation that the bill be referred to the Committee on Judiciary.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Judiciary.

Mr. Boynton of Hillsboro for the Committee on Rules, having considered the subject, reported the following joint resolution, House Joint Resolution No. 67, Joint resolution in favor of Clyde L. Hudson, with the recommendation that the joint resolution be referred to the Committee on Claims.

The report was accepted, the joint resolution read a first and second time, laid upon the table to be printed and referred to the Committee on Claims.

#### Message from the Senate

A message from the Honorable Senate by its Clerk announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bills, sent up from the House of Representatives:

House Bill No. 33, An act relating to the practice of dentistry.

House Bill No. 206, An act relative to the publication of vital statistics in town reports.

The message further stated that the Senate refused to concur with the House of Representatives in the passage of the following entitled bill, sent up from the House of Representatives:

House Bill No. 85, An act relating to the sale of beverages on election days.

The message also announced that the Senate had voted to adopt the amendments offered by the Committee on Engrossed Bills, to the following House Bills,

in the adoption of which amendments the Senate asked the concurrence of the House of Representatives:

House Bill No. 43, An act relating to the closing of fishing of Umbagog lake.

Amend section 1 of said bill by striking out the first five lines thereof and inserting in place thereof the following:

1. *Closed Season.* Amend section 7, chapter 155, Laws of 1935, by inserting after paragraph XI, as inserted by chapter 5 of the Laws of 1939, the following new paragraph: XII.

Amend the title of said bill by inserting at the end thereof the following: the Magalloway river and its tributaries and the Androscoggin river and certain of its tributaries.

On motion of Mr. Converse of Pittsburg the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 132, An act relating to distraint.

Amend the title of said bill by adding at the end thereof the words: for collection of property taxes.

Amend section 1 of said bill by striking out the word "sentence" in the second line and by inserting after the word "valid" in the second and seventh lines the word, only.

On motion of Mr. Elkins of Concord the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 138, An act relating to assessment.

Amend the title of said bill by adding at the end thereof the words, of taxes.

On motion of Mr. Osborne of Sunapee the House

concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 188, An act relating to land used for school purposes in the town of Newfields.

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1. *Repeal.* Chapter 214 of the Laws of 1889, relative to the bounds of the school district of the town of Newfields, formerly South Newmarket, is hereby repealed.

On motion of Mr. Fernald of Dover the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 255, An act providing for an extension of the Act relative to the issuance with state guarantee of emergency notes and bonds, by towns, cities and counties.

Amend section 1 of said bill by inserting before the word "chapter" in the second line the words and figures: chapter 39, Laws of 1935, and.

On motion of Mrs. Mason of Berlin the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 337, An act authorizing the city of Franklin to issue refunding notes and bonds.

Amend section 1 of said bill by striking out the words "the city of Franklin" in the last line and inserting in place thereof the words, said city.

Amend section 2 of said bill by striking out the words "of Franklin" in the fifth line and by striking

out the words, "of the city of Franklin" in the seventh line.

Amend section 4 of said bill by striking out the same and inserting in place thereof the following:

4. *Takes Effect.* This act shall take effect when its provisions shall have been approved by majority of those present and voting at a regular and any special meeting of said mayor and city council, during the year 1939.

On motion of Mr. Etsler of Claremont the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

### Communication

The following letter was read by the Speaker.

Honorable Ansel N. Sanborn, *Speaker*,  
House of Representatives,  
Concord, N. H.

DEAR MR. SPEAKER,

Will you please convey to the House of Representatives my sincere thanks and those of my family for the very beautiful spray of roses sent us on the occasion of my father's funeral.

We were deeply touched by their kind thought of us in the time of our sorrow.

Yours sincerely,

FOSTER STEARNS,

### Unfinished Business

Mr. Gage of Manchester called from the unfinished business, it being, House Bill No. 210, An act relative to bell boys in first class hotels.

The question being, on the motion to substitute the



report of the minority "ought to pass" for the report of the majority "inexpedient to legislate."

Mr. Baker of Concord moved that the bill and reports be indefinitely postponed.

On a *viva voce* vote the motion to indefinitely postpone prevailed.

On motion of Mr. Fernald of Dover business in order at 3 o'clock was made in order at the present time.

### Third Readings

On motion of Mr. Fernald of Dover the rules were suspended and the third readings of bills by their titles were made in order.

House Bill No. 69, An act relating to fees for permits and licenses for boxing and wrestling bouts.

House Bill No. 161, An act relative to fishing in Gumpus pond in Pelham.

House Bill No. 162, An act to close lake Katherine in the town of Piermont to all fishing.

House Bill No. 330, An act to close Diamond pond otherwise known as Tom pond in Warner.

House Bill No. 346, An act to legalize the biennial election held on the eighth day of November, 1938 in the town of Middleton.

Severally read a third time and passed and sent to the Senate for concurrence.

Senate Bill No. 14, An act designating the White Mountain highway.

Read a third time and passed and sent to Secretary of State to be engrossed.

On motion of Mr. Batchelor of Keene at 12:20 o'clock the House adjourned.

FRIDAY, MARCH 17, 1939

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FRIDAY, MARCH 17, 1939.

The House met at 9:00 o'clock.

The following letter was read by the Clerk:

Friday, March 17, 1939.

Mr. George H. Nash,  
Concord, N. H.

DEAR SIR:

I shall be unable to attend the session on Friday morning. Will you kindly preside for me and oblige.

Yours respectfully,

ANSEL N. SANBORN,  
*Speaker.*

On motion of Mr. Allen M. Freeman of Concord at 9:01 o'clock the House adjourned.

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MONDAY, MARCH 20, 1939.

The House met at 6:00 o'clock.

The following letter was read by the Clerk:

Monday, March 20, 1939.

Mr. Robert H. Sanderson,  
Pittsfield, N. H.

DEAR SIR:

I shall be unable to attend the session on Monday evening. Will you kindly preside for me and oblige.

Yours respectfully,

ANSEL N. SANBORN,  
*Speaker.*

There being no quorum present at 6:01 o'clock the House adjourned.

TUESDAY, MARCH 21, 1939.

The House met according to adjournment.

Prayer was offered by the Chaplain.

### Leaves of Absence

Messrs. Bills of Amherst, Clark of Salisbury, Steward of Wilmot, Persson of Candia and Callum of Unity were granted leave of absence for the day on account of attend town meeting.

Messrs. Gelinass of Manchester and Cogan of Portsmouth were granted leave of absence for the day on account of attending town meeting.

Mr. Shaw of Franklin was granted leave of absence for Tuesday and Wednesday on account of important business.

Mr. Martin of Keene was granted leave of absence for the week on account of illness.

### Petition Presented, Read and Referred

To the Speaker of the House of Representatives,  
Concord, N. H.

DEAR SIR:

Following is a copy of a resolution presented to and approved by the taxpayers of Milford at their annual meeting March 14th, 1939:

*Resolved*, That we, the taxpayers of Milford in Town Meeting assembled, respectfully petition. His Excellency Governor Francis P. Murphy and the General Court of New Hampshire, to consider aiding the counties on their "Relief Tax" load.

Very truly,

DONALD C. BRUCE,  
*Town Clerk.*

Read and referred to the Committee on Judiciary.

### Committee Reports

Mr. Sanderson of Pittsfield for the Committee on Appropriations, to whom was referred House Joint Resolution No. 30, Joint resolution to establish a commission to investigate the question of a state pier at Portsmouth, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Barnard of Manchester for the Committee on Revision of Statutes, to whom was referred House Bill No. 7, An act relative to interest on taxes, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted.

Mr. Pray of Rochester moved to substitute the words "ought to pass" for the words "inexpedient to legislate."

The question being on the motion to substitute.

On a *viva voce* vote the motion did not prevail.

The question being on the resolution of the committee that it is "inexpedient to legislate."

On a *viva voce* vote the resolution of the committee was adopted.

Mr. Pray of Rochester demanded a roll call but subsequently withdrew his demand and asked for a division.

The question being on the resolution that it is inexpedient to legislate.

(Discussion ensued)

Messrs. Barnard of Manchester, Palmer of Plaistow, Smith of Hudson, and Frissell of Keene spoke for the resolution.

Messrs. Underhill of Nashua, O'Shan of Laconia,

and Powers of Brookline spoke against the resolution.

Mr. Saltmarsh of Concord moved the previous question.

The question being,

Shall the main question now be put?

On a *viva voce* vote the previous question was ordered.

The question being on the resolution of the committee that it is "inexpedient to legislate."

A division being had the Speaker declared the vote manifestly in the affirmative and the resolution of the committee that it is "inexpedient to legislate" was adopted.

Mr. French of Lebanon demanded yeas and nays, and the roll was called with the following result:

#### Yeas, 237

ROCKINGHAM COUNTY: Stowe, Goodrich, Rand, Burbank, Corson, Grinnell, Hepworth, Avery of East Kingston, Fecteau, Bourn, Thompson of Exeter, Tozier, Miller of Greenland, Emerson of Hampstead, Adams of Hampton, Creighton, Keay, Nesmith, Labranche, Willey, Prescott, Knowles, Rowell of Northwood, Palmer of Plaistow, Fransoso, Foote, Gray, Marston, Yeaton, Burkhardt, Liberson, Tucker, Peever, Jewell of Stratham, Butterfield.

STRAFFORD COUNTY: Loughlin, Cronin, Ouellette, Fernald of Dover, Garland, Pilgrim, Smart, Blanchard, Plummer, Conrad, Nutter, Lagueux, Habel, Boucher, St. Laurent, Dubois, Berry.

BELKNAP COUNTY: Rollins, Hier, Adams of Belmont, Lord, Tarlson, Guay, Normandin, Tilton, Ward 3, Laconia, Tilton, Ward 4, Laconia, Brown of Meredith, Smith of New Hampton, Morse Goodwin of Tilton.

CARROLL COUNTY: Simpson of Bartlett, Mudgett, Russell of Conway, Fernald of Jackson, Nickerson,

Banfield, Knox, Vittum, Carpenter, Jewell of Wolfboro.

MERRIMACK COUNTY: Nichols, Trow, Morrill, Baker, Elkins, Hancock, Conlon, Nash, Saltmarsh, Sturtevant, Tilton of Concord, Freeman, George, Maxham, Hoyt of Concord, Harrison, Paveglio, Collins of Danbury, Yeaton of Epsom, Carignan, Lemire, Dempsey, Burnham, DuDevoir, Lafond, Nelson of Hopkinton, Merrill of Loudon, Swift, Batchelder of Northfield, Anderson, Cloues.

HILLSBOROUGH COUNTY: Wiggin, Pierce, Clark of Francestown, Brown of Goffstown, Charois, Tuttle, Boynton, Gay, Wilson, Smith of Hudson, Reid, Bergholtz, Chase, Daniels, Knowlton of Manchester, Barnard, Johnson, Kimball, Woodbury of Manchester, Ward 3, Frain, O'Neil, Benoit of Manchester, Ward 7, Gaumont, Poirier, Turcotte, Driscoll, Brown of Manchester, Gilmartin, Head, Aubin, Whitaker, Emerson of Milford, Foster, Wadleigh, Erlando, Berube, Cormier, Shedd, Thompson of New Ipswich, Bass, Myhaver, Peaslee.

CHESHIRE COUNTY: Hanson, Thomas, Clark of Harrisville, Robertson, Duncan, Sawyer of Jaffrey, Callahan, Frissell, Dort, Gates, Duffy, Tarbox, Phelps, Bullock, Rice, Lane, Wheeler, Smith of Troy, Relihan, Nelson of Winchester.

SULLIVAN COUNTY: Hutchins of Charlestown, Babcock, Converse of Claremont, Etsler, Holt, Howe, Hutchins of Claremont, Officer, Putnam, Barton, Hastings, Donovan, Kempton, Rowell of Newport, Whitney, Osborne of Sunapee, Davison.

GRAFTON COUNTY: Bailey of Bath, Tyler, Noyes of Bethlehem, Coolidge, Pulsifer, Campbell, Ashley, Walbridge, Hodge, Leonard, Batchelder of Hanover, Hunter, Craig, Dean, Strobridge, Smith of Hebron, Dow, Hough, Howard, Legassie, Collins of Lisbon, Hamilton, Bowker, Hildebrand, Whitcomb, Bailey of



Lyne, Lufkin, Bell, Merrill of Plymouth, Taylor, Dreghorn, Sawyer of Woodstock.

COOS COUNTY: Smith of Berlin, Ward 1, Palmer of Berlin, Trottier, Bisson, Christiansen, Ramsey, Bixby, Fortier, Gagnon of Berlin, Laforce, Congdon, Jackson, Emerson of Dalton, Stiles, Keough, Willis, Cryan, Hartford, Peabody, Marshall, Rowden, Converse of Pittsburgh, Boothman, Hinman, McIntyre.

### Nays, 118

ROCKINGHAM COUNTY: Havicon, Beede, Smith of Newfields, Hoyt of Newington, Frederickson, Reinhart, Canty, Palfrey, Quimby, Currier.

STRAFFORD COUNTY: King, Brown of Dover, Lucas, Hayes of Farmington, Hale, Pray, Emerson of Rochester, Young of Rochester, Beaudoin, Potvin, Studley.

BELKNAP COUNTY: O'Shan, Roucher, Rivers, Greene, Simpson of Laconia.

CARROLL COUNTY: Downs, Gale, Young of Tuftonboro.

MERRIMACK COUNTY: Guilbeault, MacPhee, Sanborn of Chichester, Coakley, Dunlap, Kemp, Bunten, Maxfield, Cheney, Boisvert of Pembroke, Dupont.

HILLSBOROUGH COUNTY: Powers, Michie, Hambleton, Pattee, Goodwin of Hudson, Gage, Woodbury of Manchester, Ward 2, Barry of Manchester, Ward 3, Shea of Manchester, McGowan, Dulac, Barry of Manchester, Ward 6, Connolly, Fox, Bouthiette, Brousseau, Constant, Donnelly, Kane, Wedick, Boisvert of Manchester, Carroll, Mullen, Roukey, Sweeney, Caron of Manchester, Ward 12, Durette, Letendre, Soucy, Duval, Gauthier, Rousseau, Thibodeau, Underhill, Duclos, Belanger, Goulet, Trombley, Sullivan, Thomas F. of Nashua, Sullivan, Timothy J. of Nashua, Marquis, Moussette, Fournier, Shea of Nashua, Goyette,

Ledoux, Lougee, Grandmaison, Joyce, Wilcox, Hurbonovich, Senechal, Jones.

CHESHIRE COUNTY: Moore, Miller of Fitzwilliam, Batchelor, Knowlton of Keene, Lichman, Perry, Chickering.

SULLIVAN COUNTY: Russell of Claremont, Maley.

GRAFTON COUNTY: Swayne, Cannell, Santy.

COOS COUNTY: Barden, Hinchey, Mason, Paine, Montminy, Smith of Berlin, Ward 2, Phelan, Noyes of Stewartstown.

### Pairs

Mr. Atherton of Nashua voting Yes; paired with Miss Greenfield of Rochester, voting No.

Mr. St. Francois voting Yes; paired with Mr. St. Francois voting No.

Mr. Tuxbury of Hanover voting Yes; paired with Mr. French of Lebanon voting No.

The resolution of the committee, that it is inexpedient to legislate, was adopted.

Mr. Barnard of Manchester for the Committee on Revision of Statutes, to whom was referred House Bill No. 182, An act for the better protection of pedestrians on cross walks, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Normandin of Laconia for the Committee on Judiciary, to whom was referred House Bill No. 264, An act to license real estate brokers and salesmen, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Normandin of Laconia for the Committee on

Judiciary, to whom was referred House Bill No. 185, An act regulating the erection of billboards, signs and other similar devices, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Normandin of Laconia, for the Committee on Judiciary, to whom was referred House Bill No. 242, An act licensing billboards and advertising signs, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Carpenter of Wolfeboro for the Committee on Fisheries and Game, to whom was referred House Bill No. 180, An act for the better protection of brook or speckled trout in Carroll and Coos counties, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Carpenter of Wolfeboro, for the Committee on Fisheries and Game, to whom was referred House Bill No. 171, An act relating to licenses to hunt and fish, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Barnard of Manchester for the Committee on Revision of Statutes, to whom was referred House Bill No. 52, An act to secure to cities and towns the fees in cases prosecuted by police departments, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Normandin of Laconia, for the Committee on Judiciary, to whom was referred Senate Bill No. 6, An act regulating motor vehicle junk yards, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Normandin of Laconia, for the Committee on Judiciary, to whom was referred House Bill No. 325. An act relating to Interstate authority for the Portsmouth-Kittery Bridge and approaches thereto, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Normandin of Laconia, for the Committee on Judiciary, to whom was referred House Bill No. 332, An act relating to the Fraternal Order of Eagles of Manchester, N. H., reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Barnard of Manchester, for the Committee on Revision of Statutes, to whom was referred House Bill No. 254, An act relating to pedestraints, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Carpenter of Wolfeboro, for the Committee on Fisheries and Game, to whom was referred House Bill No. 217, An act closing Elbow pond in Woodstock to ice fishing, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Harrison of Concord, for the Committee on Public Improvements, to whom was referred House Bill No. 341, An act relative to the protection of state and other highways, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 2 of said bill by striking out the word "shall" in line 5 and inserting in its place the word, may, so that said section as amended shall read as follows:

2. *Penalty.* Amend section 3 of chapter 91 of the Public Laws by striking out said section and inserting in place thereof the following: 3. *Penalty.* Whoever violates any foregoing provision of this chapter or the rules and regulations made under the authority of section 2 or section 2-a may be fined not more than one hundred dollars.

The report was accepted, the amendment adopted and the bill ordered to a third reading.

Mr. Normandin of Laconia, for the Committee on Judiciary, to whom was referred House Bill No. 163, An act authorizing towns, cities and counties to acquire land for the purposes of flood control, reported the same with the following amendments, and the recommendation that the bill as amended ought to pass.

Amend by striking out the whole of section 1 and inserting in place thereof the following:

1. The city of Keene may acquire, develop and maintain lands, easements and other rights for the purpose of flood control, either by itself or in conjunction with other towns, or with the county in which it is situated and for that purpose may raise and appropriate money therefor. Any other town or city in the county of Cheshire or the county of Ches-

hire itself, acting in conjunction with the city of Keene, may acquire, develop and maintain lands, easements and other rights for the purpose of flood control and for that purpose may raise and appropriate money therefor.

Further amend by adding the following new section:

3. *Takes Effect.* This act shall take effect upon its passage.

Further amend by striking out the title and inserting in its place the following:

An act authorizing the city of Keene to acquire land for the purposes of flood control.

The report was accepted, the amendments adopted and the bill ordered to a third reading.

Mr. Winslow of Chesterfield, for the Committee on Public Health, to whom was referred House Bill No. 308, An act providing for reports to be made concerning children with impaired hearing, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend by inserting after section 2, the following new section:

3. Nothing in this act shall be construed as authorizing any public official, agent, or representative, in carrying out any of the provisions of this act, to take charge of any child over the objection of either of the parents of such child, or of the person standing in *loco parentis* to such child, except pursuant to a proper court order.

Further amend by renumbering section 3, section 4.

The report was accepted, the amendment adopted and the bill ordered to a third reading.

Mr. Carpenter of Wolfeboro, for the Committee on Fisheries and Game, to whom was referred House Bill No. 219, An act closing certain waters in the town of



Cambridge and Errol to fishing, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 by inserting after the word "Errol" in line four the words: from the west side of the main roads, so that said section as amended shall read as follows:

1. No fish of any kind shall be taken from the waters of Sessions pond brook in Cambridge, Little Millsfield pond brook, Jacknife Hill brook, Munn pond brook and Smoky Camp brook in the town of Errol, from the west side of the main roads, except that smelt may be taken by the use of a dipnet.

The report was accepted, the amendment adopted and the bill ordered to a third reading.

Mr. Tozier of Exeter, for the Committee on Labor, to whom was referred House Bill No. 268, An act relating to industrial homework, reported the same with the following amendments, and the recommendation that the bill as amended ought to pass.

Amend section 2 by inserting after the word "commissioner" in line four the following:

House Bill No. 268.

Amend section 2 by striking out the entire section and inserting in place thereof the following:

2. *Employer's Permit.* No materials for manufacture by industrial homework shall be delivered to any person in this state unless the employer so delivering them, or his agent, has obtained an employer's permit from the labor commissioner. Such permit shall be issued upon payment of a fee of \$25.00 to employers who are bona fide taxpayers of New Hampshire, and upon payment of a fee of \$50.00 to all other employers, and shall be valid for a period of one year from the date of its issuance, unless sooner revoked or suspended. Application for such permit shall be made

in such form as the labor commissioner may by regulation prescribe. No employer shall deliver or cause to be delivered any materials or articles for manufacture by industrial homework to a person who is not in possession of a homemaker's certificate, issued in accordance with this act. The labor commissioner may revoke or suspend an employer's permit if he finds that the employer has violated this act or has failed to observe or comply with any provision of his permit.

Amend section 3 by striking out the entire section and inserting in place thereof the following:

3. *Homemaker's Certificate.* No person shall engage in industrial homework within this state unless he has in his possession a valid homemaker's certificate issued to him by the labor commissioner. Such certificate shall be issued without cost and shall be valid from the date of its issuance until revoked or suspended by the commissioner. Application for such certificate shall be made in such form as the labor commissioner may by regulation prescribe. Such certificate shall be valid only for work performed by the applicant himself in his own home. No homemaker's certificate shall be issued to any person under the age of sixteen years; or to any person suffering from an infectious, contagious, or communicable disease or living in a home that is not clean, sanitary, and free from infectious, contagious, or communicable disease. The labor commissioner may revoke or suspend any homemaker's certificate if he finds that the industrial homemaker is performing industrial homework contrary to the conditions under which the certificate was issued or in violation of this act or has permitted any person not holding a valid homemaker's certificate to assist him in performing his industrial homework.

The report was accepted.

Mr. Tozier of Exeter moved that the bill with the amendments pending be laid upon the table to be printed in the journal.

On a *viva voce* vote the motion prevailed.

Mr. Barnard of Manchester, for the Committee on Revision of Statutes, to whom was referred House Bill No. 200, An act relative to registration of dealers or manufacturers of motor boats or outboard motors, in new draft and with new title, reported the same with the recommendation that the bill in its new draft and with new title be recommitted to the Committee on Revision of the Statutes.

The report was accepted, the bill in its new draft and title read a first and second time, laid upon the table to be printed and recommitted to the Committee on Revision of the Statutes.

Mr. Boynton of Hillsboro, for the Committee on Rules, having considered the subject reported the following entitled Bill, House Bill No. 365, An act to regulate fishing through the ice, with the recommendation that the bill be referred to the Committee on Fisheries and Game.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Fisheries and Game.

Mr. Osborne of Sunapee, for the Committee on Rules, having considered the subject reported the following entitled bill, House Bill No. 366, An act to incorporate the New Hampshire Water Service Co., with the recommendation that the bill be referred to the Committee on Judiciary.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Judiciary.

Mr. Baker of Concord, for the Committee on Rules, having considered the subject reported the following entitled Bill, House Bill No. 367, An act relating to

parole from the state prison, with the recommendation that the bill be referred to the Committee on State Prison.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on State Prison.

Mr. Hunter of Hanover, for the Committee on Rules having considered the subject reported the following entitled Bill, House Bill No. 368, An act relative to dividend notices of insurance companies, with the recommendation that the bill be referred to the Committee on Insurance.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Insurance.

Mr. Merrow of Ossipee for the Committee on Ways and Means, to whom was referred House Bill No. 6, An act relating to the legalizing of the game of Bingo or Beano so-called, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted.

Mr. Saltmarsh of Concord moved that the bill and its accompanying report be recommitted to the Committee on Ways and Means.

The question being on the motion of Mr. Saltmarsh.

(Discussion ensued)

Mr. Saltmarsh of Concord spoke for the motion.

On a *vive voce* vote the motion was adopted and the bill and accompanying report was recommitted to the Committee on Ways and Means.

### Message from the Senate

A message from the Honorable Senate by its Clerk announced that the Senate had voted to concur with the House of Representatives in the passage of the

following entitled bills, sent up from the House of Representatives :

House Bill No. 124, An act closing Nubansit lake in the towns of Hancock and Nelson and Spoonwood pond in the town of Nelson to ice fishing.

House Bill No. 232 (in new draft), An act providing for the incorporation of hospital service companies.

House Bill No. 234, An act relating to fly and bait fishing for brook trout in Connor pond in Ossipee.

House Bill No. 316, An act regulating the taxation of timber blown down by the hurricane of September 21, 1938.

The message further announced that the Senate had voted to concur with the House of Representatives in the passage of the following concurrent resolution :

Concurrent Resolution enlarging the scope of the State Library Joint Committee.

The message further announced that the Senate refused to concur with the House of Representatives in the passage of the following entitled bill, sent up from the House of Representatives :

House Bill No. 79, An act to open Gorham pond now known as Lake Gorham in Dunbarton to ice fishing.

The message further announced that the Senate had voted to adopt the following resolution :

*Resolved*, That His Excellency, the Governor, be requested to return to the Senate for further consideration the following entitled bills :

House Bill No. 82, An act making sundry changes in the sale of securities law.

House Bill No. 139, An act relative to the payment of poll taxes.

House Bill No. 148, An act relating to building and loan associations.

The message further announced that the Senate had voted to concur with the House of Representatives in



its adoption of the amendments offered by the Committee on Engrossed Bills to the following entitled bills:

Senate Bill No. 20, An act relating to the payment of county taxes.

Senate Bill No. 15, An act relating to solicitors' permits.

The message also announced that the Senate had passed bills with the following titles, in the passage of which it asked the concurrence of the House of Representatives:

Senate Bill No. 32, An act relative to the attachment of number plates on motor vehicles.

Senate Bill No. 33, An act relative to brakes for motor vehicle trailers and semi-trailers.

Senate Bill No. 34, An act relative to reports to be made by courts to the Motor Vehicle Department.

Senate Bill No. 35, An act relative to the operation of motor vehicles.

Senate Bill No. 36, An act relative to the registration of non-resident circus motor vehicles.

Senate Bill No. 37, An act relative to minimum fee for agricultural purposes only.

Senate Bill No. 39, An act relative to conduct after a motor vehicle accident.

### **Senate Bills Read and Referred**

Senate Bill No. 32, An act relative to the attachment of number plates on motor vehicles.

Senate Bill No. 34, An act relative to reports to be made by courts to the Motor Vehicle Department.

Senate Bill No. 36, An act relative to the registration of non-resident circus motor vehicles.

Severally read a first and second time and laid on the table and referred to the Committee on Revision of the Statutes.



Senate Bill No. 33, An act relative to brakes for motor vehicle trailers and semi-trailers.

Senate Bill No. 35, An act relative to the operation of motor vehicles.

Senate Bill No. 39, An act relative to conduct after a motor vehicle accident.

Severally read a first and second time and laid on the table and referred to the Committee on Judiciary.

Senate Bill No. 37, An act relative to minimum fee for agricultural purposes only.

Read a first and second time and laid on the table and referred to the Committee on Agriculture.

### Committee Reports

Mr. Sawyer of Woodstock for the Committee on Engrossed Bills reported that the committee had examined and found correctly engrossed the following entitled bills:

Senate Bill No. 14, An act designating the White Mountain highway.

Senate Bill No. 20, An act relating to the payment of county taxes.

House Bill No. 43, An act relating to the closing to fishing of Umbagog lake, the Magalloway river and its tributaries and the Androscoggin river and certain of its tributaries.

House Bill No. 47, An act relating to smelt fishing.

House Bill No. 132, An act relating to distraint for collection of property taxes.

House Bill No. 138, An act relating to assessment of taxes.

House Bill No. 188, An act relating to land used for school purposes in the town of Newfields.

House Bill No. 206, An act relative to the publication of vital statistics in town reports.

House Bill No. 234, An act relating to fly and bait fishing for brook trout in Connor pond in Ossipee.

House Bill No. 255, An act providing for an extension of the act relative to the issuance with state guarantee of emergency notes and bonds by towns, cities and counties.

House Bill No. 337, An act authorizing the city of Franklin to issue refunding notes or bonds.

The report was accepted.

### Resolution

On motion of Mr. Callahan of Keene.

*Resolved*, That when the House adjourns Thursday morning, March 23, it adjourns to meet Saturday morning at 10 o'clock and that when it then adjourns it adjourns to meet Tuesday morning March 28 at 11 o'clock.

### Qualified

The following named representative having qualified before His Excellency, the Governor, appeared and took his seat as a member of the House.

Mark K. Marden of Holderness.

On motion of Mr. Plummer of Milton at 12:45 o'clock the House adjourned.

### Afternoon

The House met at 3 o'clock.

On motion of Mr. Fernald of Dover the rules were suspended and the third readings of bills by their titles be made in order.

### Third Readings

House Bill No. 163, An act authorizing the city of Keene to acquire land for the purposes of flood control.

House Bill No. 217, An act closing Elbow pond in Woodstock to ice fishing.

House Bill No. 219, An act closing certain waters in the towns of Cambridge and Errol to fishing.

House Bill No. 254, An act relating to pedestrians.

House Bill No. 308, An act providing for reports to be made concerning children with impaired hearing.

House Bill No. 325, An act relating to interstate authority for the Portsmouth-Kittery Bridge and approaches thereto.

House Bill No. 332, An act relating to the Fraternal Order of Eagles of Manchester, N. H.

House Bill No. 341, An act relative to the protection of state and other highways.

Severally read a third time and passed and sent to the Senate for concurrence.

Senate Bill No. 6, An act regulating motor vehicle junk yards.

Read a third time and passed and sent to the Secretary of State to be engrossed.

On motion of Mr. Tuttle of Hancock at 3:15 o'clock the House adjourned.

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WEDNESDAY, MARCH 22, 1939.

The House met at 11 o'clock.

Prayer was offered by the Chaplain.

#### Leaves of Absence

Messrs. Winslow of Chesterfield, Graham of Antrim, and Mrs. Caron of Manchester were granted leaves of absence for the week on account of illness.

Mr. Cannell of Lebanon was granted leave of absence for the day on account of attending a funeral.

#### Committee Reports

Mr. Carpenter of Wolfeboro for the Committee on Fisheries and Game, to whom was referred House Bill No. 292, An act relating to hunting of deer, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Barnard of Manchester for the Committee on Revision of Statutes, to whom was referred House Bill No. 98, An act relating to assignment of council fees, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Barnard of Manchester for the Committee on Revision of Statutes, to whom was referred House Bill No. 101, An act relating to limitation of witness fees in criminal cases, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Barnard of Manchester for the Committee on Revision of Statutes, to whom was referred House Bill No. 265, an act relating to the election of school district officers, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Barnard of Manchester for the Committee on Revision of Statutes, to whom was referred House Bill No. 198, An act to provide for a revision of the Public Laws, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill referred to the Committee on Appropriations under the rules.

Mr. Barnard of Manchester for the Committee on Revision of Statutes, to whom was referred House Bill No. 112, An act relating to the stimulation of race

horses, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Barnard of Manchester for the Committee on Revision of Statutes, to whom was referred House Bill No. 66, An act relating to landlord and tenant, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Carpenter of Wolfeboro for the Committee on Fisheries and Game, to whom was referred House Bill No. 170, An act relating to hunting of deer, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 by striking out in lines four to eight and lines fourteen to eighteen inclusive the following: "and that the towns of South Hampton, Seabrook, Hampton Falls, Kensington, Exeter, Hampton, North Hampton, Stratham, Greenland, Rye, Newington and Newcastle shall have a closed season for a period not exceeding five years from the date of this act unless sooner terminated by legislative authority" and inserting in place thereof the following: and that all territory east of the Lafayette highway from the Maine line to the Massachusetts line shall be closed to the hunting of deer, so that said section as amended shall read as follows:

1. Amend section 2 of chapter 198 of the Public Laws, as inserted by section 2, chapter 124 of the Laws of 1935 and section 1, chapter 136 of the Laws of 1937, by adding at the end thereof the words, and that all territory east of the Lafayette highway from the Maine line to the Massachusetts line shall be closed to the hunting of deer. so that said section as amended shall read as follows: 2. *Taking, Time.*

Wild deer, outside of private game preserves, may be hunted and taken after six a. m. and before five p. m. in the counties of Carroll, Coos and Grafton from November first to December first, and in all other counties in the state from December first to December sixteenth, except that no deer shall be hunted or taken at any time on any island or in any waters in lakes and ponds, and that all territory east of the Lafayette highway from the Maine line to the Massachusetts line shall be closed to the hunting of deer.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mr. Hunter of Hanover for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 369, An act to provide highway funds for construction, reconstruction and maintenance, and for the reimbursement of towns for hurricane-flood damage, with the recommendation that the bill be referred to the Committee on Public Improvements.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Public Improvements.

Mr. Sanderson of Pittsfield for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 370, An act providing for continuity of investigations by the state police, with the recommendation that the bill be referred to the Committee on Judiciary.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Judiciary.

Mr. Boynton of Hillsboro for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 371, An act establishing a Board of Police Commissioners for the



city of Rochester, with the recommendation that the bill be referred to the Committee on Judiciary.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Judiciary.

Mr. Boynton of Hillsboro for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 372, An act providing for a fiscal agent for the county of Coos, with the recommendation that the bill be referred to the Committee on Judiciary.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Judiciary.

Mr. Baker of Concord for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 373, An act relating to commitment to the State Hospital, with the recommendation that the bill be referred to the Committee on State Hospital.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on State Hospital.

Mr. Hunter of Hanover for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 374, An act relative to employees of the fish and game department, with the recommendation that the bill be referred to the Committee on Fisheries and Game.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Fisheries and Game.

Mr. Baker of Concord for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 375, An act relating to federal aid for wildlife restoration projects, with the

recommendation that the bill be referred to the Committee on Fisheries and Game.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Fisheries and Game.

Mr. Hunter of Hanover for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 376, An act providing for improvements at Rye Harbor, with the recommendation that the bill be referred to the Committee on Coastwise Improvements.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Coastwise Improvements.

Mr. Sanderson of Pittsfield for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 377, An act relative to appropriations for town advertising, with the recommendation that the bill be referred to the Committee on Revision of Statutes.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Revision of Statutes.

Mr. Osborne of Sunapee for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 378, An act relative to town appropriations for recreational purposes, with the recommendation that the bill be referred to the Committee on Revision of Statutes.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Revision of Statutes.

Mr. Sanderson of Pittsfield for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 379, An act providing for a division of municipal accounting within the state tax commission, with the recommendation

that the bill be referred to the Committee on Judiciary.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Judiciary.

Mr. Hunter of Hanover for the Committee on Rules, having considered the subject, reported the following joint resolution, House Joint Resolution No. 68, Joint resolution in favor of Fred R. Brown of Swanzey, with the recommendation that the joint resolution be referred to the Committee on Claims.

The report was accepted, the joint resolution read a first and second time, laid upon the table to be printed and referred to the Committee on Claims.

Mr. Sanderson of Pittsfield for the Committee on Rules, having considered the subject, reported the following joint resolution, House Joint Resolution No. 69, Joint resolution in favor of Eastern States Exposition, with the recommendation that the joint resolution be referred to the Committee on Appropriations.

The report was accepted, the joint resolution read a first and second time, laid upon the table to be printed and referred to the Committee on Appropriations.

Mr. Baker of Concord for the Committee on Rules, having considered the subject, reported the following joint resolution, House Joint Resolution No. 70, Joint resolution in favor of Arthur J. Dufour of Claremont, with the recommendation that the joint resolution be referred to the Committee on Claims.

The report was accepted, the joint resolution read a first and second time, laid upon the table to be printed and referred to the Committee on Claims.

### Message From the Senate

A message from the Honorable Senate by its Clerk announced that the Senate had voted to concur with

the House of Representatives in the passage of the following entitled bills, sent up from the House of Representatives:

House Bill No. 74, An act relating to actions against tenants.

House Bill No. 134, An act relating to the payment of the poll taxes of married women.

The message further announced that the Senate had voted to concur with the House of Representatives in its adoption of the amendments offered by the Committee on Engrossed Bills to the following entitled bill,

Senate Bill No. 19, An act relating to pharmacist's equipment.

The message further announced that the Senate had voted to adopt the amendments offered by the Committee on Engrossed Bills, to the following house bills, in the adoption of which amendments the Senate asked the concurrence of the House of Representatives:

House Bill No. 124, An act closing Nubansit lake in the towns of Hancock and Nelson and Spoonwood pond in the town of Nelson to ice fishing.

Amend section 2 of said bill by striking out said section and inserting in place thereof the following:

2. *Ice Fishing.* Amend paragraph IV of section 5 of chapter 155 of the Laws of 1935, as inserted by section 3, chapter 96 of the Laws of 1937 by adding at the end thereof the words, Spoonwood pond in Nelson, so that said paragraph as amended shall read as follows: IV. Northwood lake in Northwood and Epsom, Nutt pond in Manchester, Partridge lake in Lyman and Littleton, Pleasant lake in New London, Robs reservoir in Stoddard, Spoonwood pond in Nelson.

Further amend said bill by inserting after section 2 the following:

3. *Nubanusit Lake*. Amend section 5 of chapter 155 of the Laws of 1935, as inserted by section 3 of chapter 96 of the Laws of 1937 by inserting after paragraph VII the following new paragraph: VIII. Nubanusit lake in Hancock and Nelson from January first to February sixteenth.

Further amend said bill by renumbering section 3 to read section 4.

On motion of Mr. Carpenter of Wolfeboro the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 135, An act relating to abatement.

Amend the title of said bill by striking out the same and inserting in place thereof the following:

An act relating to applications for abatement of taxes.

Amend section 1 of said bill by striking out the words, "made by the taxpayer" in the third and sixth lines.

On motion of Mr. Elkins of Concord the House concurred in the adoption of the amendment proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 146, An act relating to the registration of nurses.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *Registered Nurses*. Amend chapter 211 of the Public Laws by inserting after section 4 the following new section: 4-a. *Annual Certificates*. Any person holding a certificate of registration to practice as a registered nurse hereunder shall annually on or before June first of each year file his name and address with the commissioner and, if he wishes to engage within



this state in the practice of general nursing, he shall make application for an annual certificate. The commissioner, upon receipt of the required fee, shall issue to such registered nurse an annual registration certificate which shall be valid until May thirty-first next succeeding.

2. *Lists to be Furnished.* Amend section 7 of said chapter 211 by striking out said section and inserting in place thereof the following: 7. *Rules; Reports.* The commissioner, with the advice of the examiners, shall make all necessary rules for the examination of nurses applying for certification hereunder, and shall report annually to the governor the receipts and expenditures under the provisions hereof. Said commissioner shall, on or before January first of each year, forward to each nurse who has registered as provided in section 4-a, and to each hospital in the state, a list of all nurses holding annual registration certificates as provided in said section 4-a with the addresses of each.

3. *Certification and Annual Registration.* Amend section 8 of said chapter 211 by striking out said section and inserting in place thereof the following: 8 *Fees.* Each person so applying for certification, or for examination and certification, shall pay a fee of five dollars. Each person applying for annual registration certificate, as provided in section 4-a, shall pay a fee of fifty cents. The commissioner shall pay all fees to the state treasurer.

4. *Prohibition.* Amend section 10 of said chapter 211 by striking out said section and inserting in place thereof the following: 10. *Public Health Nursing; General Nursing.* No person shall engage in any of the various forms of public health nursing unless such person is a registered nurse and holds a valid annual registration certificate, as provided in section 4-a; and



no registered nurse shall engage in the practice of general nursing in this state unless such registered nurse holds a valid annual registration certificate, as provided in section 4-a; provided that this section shall not affect any person who, previous to July 1, 1925, has been so employed.

5. *Takes Effect.* The provisions of this act shall take effect as of June 1, 1939, provided that applications for and issuance of annual registration certificates for the period beginning June 1, 1939, may be made prior to that date.

On motion of Mr. Coolidge of Bristol the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

The message also announced that the Senate had passed a bill with the following title, in the passage of which it asked the concurrence of the House of Representatives:

Senate Bill No. 44, An act relative to the inspection of motor vehicles.

### Senate Bill Read and Referred

Senate Bill No. 44, An act relative to the inspection of motor vehicles.

Read a first and second time and referred to the Committee on Revision of the Statutes.

### Reconsideration

Mr. Batchelor of Keene, for the Committee on Coastwise Improvements, gave notice that on tomorrow or some future date he would ask for reconsideration of the vote whereby the House voted inexpedient to legislate on House Joint Resolution No. 30, Joint resolution to establish a commission to investigate the question of a state pier at Portsmouth.

On motion of Mr. Moore of Alstead at 11:55 o'clock the House adjourned.

### Afternoon

The House met at 3 o'clock.

### Third Readings

On motion of Mr. Fernald of Dover the rules were suspended and the third readings of bills by their titles made in order.

House Bill No. 66, An act relating to landlord and tenant.

House Bill No. 112, An act relating to the stimulation of race horses.

House Bill No. 170, An act relating to hunting of deer.

Severally read a third time and passed and sent to the Senate for concurrence.

On motion of Mr. Smart of Durham at 3:05 o'clock the House adjourned.

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### THURSDAY, MARCH 23, 1939.

The House met at 11 o'clock.

Prayer was offered by the Chaplain.

### Joint Convention

The two branches being in convention, Mr. Coolidge of Bristol offered the following resolution:

*Resolved*, That the Convention shows its appreciation of the New England industry, honesty, ability of its oldest member, William Hall of Langdon, whose birthday anniversary occurs today, March 23, 89 years YOUNG!

The resolution was unanimously adopted by a rising vote.

His Excellency, the Governor, on behalf of the members of the Convention, presented Mr. Hall with a loving cup.

The Speaker, on behalf of the members of the House, presented Mr. Hall with a clock, and several other gifts, in honor of his birthday.

On motion of Senator James of District 12 the Convention rose.

### Leaves of Absence

Messrs. Studley of Rochester, Neal of Meredith, Carter of Merrimack, George of Concord were granted leaves of absence for the day on account of important business.

Mr. Nash of Concord was granted leave of absence for the day on account of illness in the family.

### Committee Reports

Mr. Normandin of Laconia for the Committee on Judiciary, to whom was referred House Bill No. 126, An act providing for the registration of architects, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Hutchins of Claremont for the Committee on Public Health, to whom was referred House Bill No. 224, An act relative to the powers and duties of the barbers' examining and licensing board and fee for the practice of barbering, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Normandin of Laconia for the Committee on Judiciary, to whom was referred Senate Bill No. 7, An act relating to the registration of motor vehicles, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Barnard of Laconia for the Committee on Revision of Statutes, to whom was referred Senate Bill No. 9, An act limiting the time within which a marriage certificate is valid, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Hutchins of Claremont for the Committee on Public Health, to whom was referred House Bill No. 327, An act establishing a commission for the purpose of studying the possibilities of protecting individuals unemployed because of sickness or ill health, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill referred to the Committee on Appropriations under the rules.

Mr. St. Francois of Nashua for the Committee on Military Affairs, to whom was referred Senate Bill No. 16, An act relating to the establishment of memorials by towns and cities, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Batchelder of Northfield for the Committee on Claims, to whom was referred House Joint Resolution No. 17, Joint resolution in favor of Everett Hunnewell, reported the same with the following amendment, and the recommendation that the joint resolution as amended ought to pass.

Amend the joint resolution by striking out all after

the resolving clause and inserting in place thereof the following: That the sum of sixty-nine dollars be and hereby is appropriated to Dr. C. L. Smart, of Laconia, one hundred forty dollars to Laconia Hospital, of Laconia, and two hundred ninety-one dollars to Everett Hunnewell, for reimbursement for expenses sustained as a result of accidental injury to said Everett Hunnewell in New Hampton while working for the state highway department on Shingle Camp hill, so-called, on February 10, 1938. Said sum shall be a charge upon the highway funds and shall be in full settlement of any claim for said accident by said Everett Hunnewell.

The report was accepted, the amendment adopted, and the joint resolution was referred to the Committee on Appropriations under the rules.

Mr. Sanderson of Pittsfield for the Committee on Appropriations, to whom was referred House Joint Resolution No. 47, Joint resolution in favor of the New Hampshire Veterans' Association, reported the same with the following amendment, and the recommendation that the joint resolution as amended ought to pass.

Amend the joint resolution by striking out all after the resolving clause and insert in place thereof the following: That the sum of nine thousand dollars (\$9,000) be and hereby is appropriated to replace and repair buildings, appurtenances and grounds owned by the New Hampshire Veterans' Association at the Weirs damaged and destroyed by the storm of September 21, 1938. Said appropriation shall be expended under the supervision of a commission of three appointed by the governor and council who shall serve without pay. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

The report was accepted, the amendment adopted, and the joint resolution ordered to a third reading.

Mr. Maxham of Concord for the Committee on Claims, to whom was referred House Joint Resolution No. 67, Joint resolution in favor of Clyde L. Hudson, reported the same in a new draft with the recommendation that the joint resolution in its new draft be re-committed to the Committee on Claims.

The report was accepted, the joint resolution read a first and second time, laid upon the table to be printed and re-committed to the Committee on Claims.

Mr. Hutchins of Claremont for the Committee on Public Health, to whom was referred House Bill No. 177, An act relating to plumbing and the licensing of plumbers, reported the same in a new draft with the recommendation that the bill in its new draft be re-committed to the Committee on Public Health.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and re-committed to the Committee on Public Health.

Mr. Baker of Concord for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 380, An act relating to brook trout, with the recommendation that the bill be referred to the Committee on Fisheries and Game.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Fisheries and Game.

Mr. Hunter of Hanover for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 381, An act relative to the maintenance of roads within certain state reservations, with the recommendation that the bill be referred to the Committee on Public Improvements.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Public Improvements.



### Message from the Senate

A message from the Honorable Senate by its Clerk announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bills, sent up from the House of Representatives:

House Bill No. 129, An act relating to fraternal benefit societies.

House Bill No. 157, An act to close Forest lake, Winchester to ice fishing.

House Bill No. 158, An act to close all tributaries of Pisgah reservoir in Winchester to fishing.

House Bill No. 175, An act relating to the taking of white perch.

House Bill No. 249, An act to close Inlet brook tributary to Back lake in Pittsburg.

House Bill No. 269, An act relating to assignment of wage claims to Labor Commissioner for recovery by civil action.

House Bill No. 322 (new title), An act relating to the definition of dealer in the law relating to motor vehicles.

House Bill No. 328, An act relating to ice cream and sherbets.

The message further announced that the Senate had voted to adopt the amendments offered by the Committee on Engrossed Bills, to the following house bills, in the adoption of which amendments the Senate asked the concurrence of the House of Representatives:

House Bill No. 33, An act relating to the practice of dentistry.

Amend section 5 of said bill by striking out the same and inserting in place thereof the following:

5. *Repeal.* Section 10 of chapter 205 of the Public Laws, relative to licenses granted without an examination, is hereby repealed.

Further amend said bill by inserting after section 5 the following new section:

6. *Recognized Dental Schools.* Amend section 12 of chapter 205 of the Public Laws by striking out said section and inserting in place thereof the following:  
12. *Rules.* Said board shall make rules or regulations to establish a uniform and reasonable standard of educational requirements by which to determine what dental school shall be recognized hereunder.

Further amend said bill by renumbering sections 6, 7, 8, 9 and 10 to read respectively sections, 7, 8, 9, 10 and 11.

On motion of Mr. Elkins of Concord the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 123, An act relative to the definition of persons eligible for aid to the aged.

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1. *Qualifications for Old Age Assistance.* Amend paragraph (a) of section 12 of chapter 202 of the Laws of 1937 by striking out said paragraph and inserting in place thereof the following: (a) For the purposes hereof a person shall be eligible for aid to the aged who is seventy years of age; is a citizen of the United States; is not on account of his physical condition in need of continued institutional care; if a husband, has not without just cause failed to support his wife and children under the age of sixteen years, for six months or more during the ten years preceding the date of application; has not within one year pre-

ceding said application been an habitual tramp, beggar or drunkard; provided, further, that after January 1, 1940, the age limit for eligibility for such assistance shall be sixty-five years.

On motion of Mr. Craig of Haverhill the House concurred in the adoption of the amendment proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

The message further announced that the Senate concurred with the House of Representatives in the passage of the following entitled bills, with amendments, in the passage of which amendments the Senate asked the concurrence of the House of Representatives:

House Bill No. 44, An act relating to the open season for taking pickerel from Umbagog lake and Leonard pond.

Amend section 1 of the bill by adding at the end thereof the words, and except the Magalloway river and its tributaries and the Androscoggin river and its tributaries from Umbagog lake to Errol dam; so that said section as amended will read:

1. *Taking Pickerel.* Amend paragraph VI of section 4 of chapter 155 of the Laws of 1935, as amended by section 1 of chapter 96 of the Laws of 1937, by striking out said paragraph and inserting in place thereof the following: VI. Silver lake in Madison, Sunapee lake, Tarleton lake in Piermont and Warren, Tewksbury pond in Grafton, Town Line pond in Dorchester and Wentworth, Trout pond in Dorchester, Winnepesaukee river, all streams in the state inhabited by trout, and all lakes and ponds in Coos county inhabited by trout except Umbagog lake in Errol and Cambridge and except that part of Umbagog lake known as Leonard pond in Errol, and ex-

cept the Magalloway river and its tributaries and the Androscoggin river and its tributaries from Umbagog lake to Errol dam.

On motion of Mr. Converse of Pittsburg the House concurred in the adoption of the amendment sent down from the Honorable Senate.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 23, An act relating to ice fishing in Newfound lake.

Amend section 1 of the bill by striking out the words "sixteenth day of February" in the eighth and ninth lines and also in the thirteenth and fourteenth lines, and substituting therefor the words, first day of March; so that said section as amended will read:

1. *Newfound Lake*. Amend section 5-b, chapter 155 of the Laws of 1935 as inserted by chapter 188 of the Laws of 1937, by striking out in the last line the words "during the month of January" and inserting in place thereof the words "from the fifteenth day of January until the first day of March" so that said section as amended shall read: 5-b. *Newfound Lake*. Newfound lake is closed to fishing through the ice except from the fifteenth day of January until the first day of March.

The question being on the motion to concur in the amendment.

Mr. Nelson of Winchester moved that the House non concur in the amendment and asked for a Committee of Conference.

On a *viva voce* vote the motion prevailed and the Speaker appointed as members on such committee on the part of the House, Messrs. Dort of Keene, Dempsey of Franklin and Carpenter of Wolfeboro.

The message further announced that the Senate had voted to recall from the Governor for further consideration,

House Bill No. 316, An act regulating the taxation of timber blown down by the hurricane of September 21, 1938.

The message also announced that the Senate had passed a bill with the following title, in the passage of which it asked the concurrence of the House of Representatives:

Senate Bill No. 30, An act relative to the qualifications for applicants for examinations for the practice of medicine.

### Senate Bill Read and Referred

Senate Bill No. 30, An act relative to the qualification for applicants for examinations for the practice of medicine.

Read a first and second time and referred to the Committee on Public Health.

### Resolutions

On motion of Mr. Emerson of Milford.

*Resolved*, That the use of Representatives' Hall be granted to the Committee on Public Improvements and Appropriations on March 29 at 1:30 o'clock for the purpose of holding a public hearing on House Bill No. 369, An act to provide highway funds for construction, reconstruction and maintenance and for the reimbursement of towns for hurricane flood damage.

Mr. Maley of Newport offered the following resolution:

*Resolved*, That a committee of five be appointed to draw up suitable resolutions on the death of the wife of ex-representative Clyde Keefe of Dover.

The resolution was unanimously adopted by a rising vote.

The Speaker appointed as members on such committee, Messrs. Maley of Newport, Laughlin, Garland and Brown of Dover and Miss Greenfield of Rochester.

On motion of Mr. Fernald of Dover business in order at 3 o'clock was made in order at the present time.

### Third Readings

On motion of Mr. Fernald of Dover the rules were suspended and the third readings of bills by their titles and joint resolution by its caption made in order.

Senate Bill No. 7, An act relating to the registration of motor vehicles.

Senate Bill No. 22, An act limiting the time within which a marriage certificate is valid.

Senate Bill No. 16, An act relating to the establishment of memorials by towns and cities.

Severally read a third time and passed and sent to the Secretary of State to be engrossed.

House Joint Resolution No. 47, Joint resolution in favor of the New Hampshire Veterans' Association.

Read a third time and passed and sent to the Senate for concurrence.

On motion of Mr. Wheeler of Swanzey at 12 o'clock the House adjourned.

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SATURDAY, MARCH 25, 1939.

The House met at 10:00 o'clock.

The following letter was read by the Clerk:

Saturday, March 25, 1939.

Mr. George H. Nash,  
Concord, N. H.

DEAR SIR:

I shall be unable to attend the session on Saturday morning. Will you kindly preside for me and oblige.

Yours respectfully,

ANSEL N. SANBORN,

*Speaker.*



There being no quorum present at 10:01 o'clock the House adjourned.

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TUESDAY, MARCH 28, 1939.

The House met according to adjournment.

Prayer was offered by the Chaplain.

#### Leaves of Absence

Mr. Cannell of Lebanon was granted leave of absence for the day on account of attending a funeral.

Messrs. Atherton of Nashua, Goodwin of Tilton and Ashley of Dorchester were granted leave of absence for the day on account of illness.

Messrs. Duval of Manchester and Rousseau of Manchester and Miss Greenfield of Rochester were granted leave of absence for the week on account of illness.

#### Committee Reports

Mrs. Batchelder of Hanover for the Committee on Engrossed Bills, reported that the committee had examined and found correctly engrossed the following entitled bills:

Senate Bill No. 19, An act relating to pharmacist's equipment.

House Bill No. 33, An act relating to the practice of dentistry.

House Bill No. 124, An act closing Nubanusit lake in the towns of Hancock and Nelson and Spoonwood pond in the town of Nelson to ice fishing.

House Bill No. 135, An act relating to applications for abatement of taxes.

The report was accepted.

Mr. Hambleton of Goffstown for the Committee on Insurance, to whom was referred House Bill No. 21,

An act relating to insurance policy forms, endorsements and rates, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Merrow of Ossipee for the Committee on Ways and Means, to whom was referred House Bill No. 331, An act relating to taxation of stock in trade, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Gage of Manchester for the Committee on Labor, to whom was referred House Bill No. 141, An act relative to unemployment compensation, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate, subject matter covered by House Bill No. 321.

The report was accepted and the resolution of the committee adopted.

Mr. Gage of Manchester for the Committee on Labor, to whom was referred House Bill No. 140, An act relative to unemployment compensation, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Osborne of Sunapee for the Committee on State House and State House Yards, to whom was referred House Bill No. 84, An act relating to the salary of the Superintendent of the State House, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate, subject matter covered by other legislation.

The report was accepted and the resolution of the committee adopted.

Mrs. Christiansen of Berlin for the Committee on Transportation, to whom was referred House Bill No. 147, An act to provide for the supervision, regulation and control of motor carrier transportation, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Osborne of Sunapee for the Committee on State House and State House Yards, to whom was referred House Bill No. 356, An act relating to the State House, State House annex, State Library and the Hannah Dustin monument, reported the same with the following amendments, and the recommendation that the bill as amended ought to pass.

Amend the fifth paragraph of section 1 of said bill by striking out the words "three thousand" in line 1 and inserting in its place the words, twenty-five hundred, so that said paragraph as amended shall read as follows:

4. *Salary*. The salary of the superintendent shall be twenty-five hundred dollars a year.

Further amend said bill by striking out the whole of section 5 and inserting in its place the following:

5. *Takes Effect*. This act shall take effect upon July 1, 1939.

The report was accepted, the amendments adopted, and the bill referred to the Committee on Appropriations, under the rules.

Mr. Hambleton of Goffstown for the Committee on Insurance, to whom was referred House Bill No. 282, An act relating to investments of life insurance companies, reported the same with the following amend-

ment, and the recommendation that the bill as amended ought to pass.

Amend said bill by striking out section 1 and inserting in place thereof the following:

1. *Life Insurance Companies.* Amend section 15 of chapter 278 of the Public Laws as amended by chapter 56 of the laws of 1929 by striking out said section and substituting in place thereof the following: 15. *Securities, etc.* Such companies shall invest their funds as follows: In bonds of the United States, in loans secured by first mortgage on improved real estate subject to the following limitations: (a) Such loans shall not exceed fifty per cent of the value of the mortgaged property except in the case of loans in cities or towns where the mortgage provides for the amortization of the debt during the term of the loan or at a rate of not less than five per cent per annum after the first year; and in such case loans shall not exceed sixty-six and two thirds per cent of the value of the mortgaged property; (b) All insurable buildings considered a part of the value of the mortgaged real estate shall be insured for the benefit of the mortgagee; (c) Any mortgages taken in connection with the sale of real estate by any such company may be on terms as determined by the directors of the company or authorized committee thereof; (d) The value of mortgaged real estate may be determined by an appraisal made under oath of two freeholders resident in the county or city in which such real estate is located; (e) No domestic insurer shall invest in or loan upon the security of any one property more than two per cent of its total admitted assets; in such loans insured by the Federal Housing Administrator and in such other bonds, obligations and securities as are a legal investment for savings banks at the time of such investment; in loans upon

the pledge of stock, bonds or other obligations where the current value of such stock, bonds or obligations is at least twenty per cent more than the amount loaned thereon; and in loans upon its own policies to an amount not exceeding the reserve against the policy at the time such loan is made thereon.

The report was accepted, the amendments adopted, and the bill ordered to a third reading.

Mr. Duncan of Jaffrey for the Special Committee consisting of the Cheshire County Delegation, to whom was referred House Bill No. 179, An act establishing county commissioner districts in the county of Cheshire, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 by striking out in line eight the words, "Roxbury, Nelson, Sullivan and Stoddard," and by inserting after the word, "Chesterfield" in line seven the words, Sullivan, Stoddard, and after the word, "Harrisville" in line nine the words, Roxbury, Nelson, so that said section as amended shall read as follows:

1. *Districts Established.* Amend chapter 36 of the Public Laws as amended by chapter 142 of the Laws of 1929, chapter 134 of the Laws of 1931, chapter 43 of the Laws of 1937 and chapter 83 of the Laws of 1937, by adding after section 24 the following new sections: 25. *Cheshire County Districts.* For the purpose of the nomination and election of the county commissioners in Cheshire county said county shall be divided into three districts, as follows: District 1, Alstead, Marlow, Walpole, Surry, Gilsum, Westmoreland, Chesterfield, Sullivan, Stoddard and Hinsdale; district 2, Keene; district 3, Harrisville, Roxbury, Nelson, Dublin, Marlborough, Swanzey, Troy, Jaffrey, Winchester, Richmond, Fitzwilliam and Rindge. 26.

*Eligibility.* No person shall be eligible to be a candidate for county commissioner except from the district in which he is a resident. 27. *Voting and Election.* The inhabitants of said county may vote for not more than one candidate from each district, and the candidate receiving the highest number of votes in any one district shall be elected county commissioner from that district.

The report was accepted, the amendment adopted and the bill ordered to a third reading.

#### Taken From Table

On motion of Mr. Tozier of Exeter, House Bill No. 286, An act relating to industrial homework.

The question being on the report of the committee, that the bill with amendments ought to pass.

Mr. Palmer of Plaistow moved that the bill and accompanying reports be indefinitely postponed.

The question being on the motion to indefinitely postpone.

(Discussion ensued)

Messrs. Palmer of Plaistow, Pennell of Exeter, and Prescott of Newton spoke for the motion.

Messrs. Tozier of Exeter, Cronin of Dover, and Gage of Manchester spoke against the motion.

Mr. Etsler of Claremont moved the previous question.

The question being,

Shall the main question now be put?

On a *vive voce* vote the previous question was ordered.

The question being on the motion to indefinitely postpone.

On a *viva voce* vote the motion prevailed.



### Message From the Senate

A message from the Honorable Senate by its Clerk announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bills, sent up from the House of Representatives:

House Bill No. 106, An act relating to registration fees for vehicles carrying special equipment.

House Bill No. 334, An act in amendment of the laws relating to the Union School District in Concord.

The message further announced that the Senate concurred with the House of Representatives in the passage of the following entitled bill, with amendment, in the passage of which amendment the Senate asked the concurrence of the House of Representatives:

House Bill No. 186, An act relating to school busses.

Amend section 1 of the bill by striking out the whole of said section and substituting therefor the following:

1. *School Busses.* Amend chapter 103 of the Public Laws by inserting after section 8-a, as inserted by chapter 107 of the Laws of 1935, the following new sections: 8-b. *Operation at Railroad Crossing.* When a highway crosses the tracks of a steam railroad at grade crossing the driver of any motor vehicle transporting school children shall, when approaching the point of intersection stop his motor vehicle not more than fifty feet and not less than twenty feet from said crossing, and before attempting to cross shall carefully examine for approaching trains and shall not proceed until he has ascertained that no trains are approaching. 8-c. *Authority of Commissioner to Inspect.* The commissioner shall have authority, through his duly authorized agents, to inspect any motor vehicle used for the purpose of transport-

ing school children to determine the fitness of such motor vehicle for such purpose and if he finds that such vehicle is unfit for such purpose he may refuse to permit such vehicle to be designated as a school bus as provided by section 8-a.

On motion of Mr. Fernald of Dover the House concurred in the adoption of the amendment sent down from the Honorable Senate.

The bill was then sent to the Secretary of State to be engrossed.

The message also announced that the Senate had passed the following joint resolution, in the passage of which it asked the concurrence of the House of Representatives:

Senate Joint Resolution No. 3, Joint resolution concerning a National Patriotic Revival Plan.

#### Senate Joint Resolution Read and Referred

Senate Joint Resolution No. 3, Joint resolution concerning a National Patriotic Revival Plan.

Read a first and second time and referred to the Committee on Military Affairs.

#### Concurrent Resolution

Mr. Smith of Seabrook offered the following concurrent resolution:

*To His Excellency Francis P. Murphy, Governor of the State of New Hampshire:*

The Senate and House of Representatives in General Court convened, satisfied that the public good requires that David C. Chase, justice of the peace and notary public in the town of Seabrook, should no longer retain and hold said office, respectfully address and request your Excellency, with the advice and con-

sent of the Council, to remove therefrom said David C. Chase.

The question being on the resolution.

(Discussion ensued)

Mr. Smith of Seabrook spoke in favor of the resolution.

Mr. Emerson of Milford moved that the resolution be referred to the Committee on Judiciary.

On a *viva voce* vote the resolution was referred to the Committee on Judiciary.

### Resolution

Mr. Maley of Newport offered the following resolution:

*Whereas*, Almighty God has seen fit to call to her eternal reward Mrs. F. Clyde Keefe, Dover, N. H.

*And Whereas*, by her death her husband has lost a devoted wife, her neighbors a loyal friend, and her city and state a respected citizen.

*Be it Therefore Resolved*, that the House of Representatives, recognizing the severe shock to her husband and family on account of her sudden and untimely end do hereby offer to her husband, Mr. F. Clyde Keefe, a former member of this House, and to the other members of the bereaved family, our extreme and heartfelt sympathy and condolence.

*Be it Further Resolved*, that a copy of this resolution be forwarded by the Clerk of this House to Mr. F. Clyde Keefe, and that it be printed in the Journal.

EDWARD J. MALEY,  
FRANK P. LOUGHLIN,  
GEORGE W. GARLAND,  
BENJAMIN A. BROWN,  
SARA E. GREENFIELD,  
*Committee.*

The resolution was unanimously adopted by a rising vote.

On motion of Mr. Brown of Meredith at 12:22 o'clock the House adjourned.

### Afternoon

The House met at 3 o'clock.

### Third Readings

On motion of Mr. Fernald of Dover the rules were suspended and the third readings of bills by their titles made in order.

House Bill No. 179, An act establishing county commissioner districts in the county of Cheshire.

House Bill No. 282, An act relating to life insurance companies.

Severally read a third time and passed and sent to the Senate for concurrence.

On motion of Mr. Downs of Conway at 3:01 o'clock the House adjourned.

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### WEDNESDAY, MARCH 29, 1939.

The House met at 11 o'clock.

Prayer was offered by the Chaplain.

### Leaves of Absence

Mr. Sanderson of Pittsfield was granted leave of absence for March 30, and the week of April 4th on account of out of state business.

Mr. Callum of Unity was granted leave of absence until further notice on account of illness.

Mr. Butterfield of Windham was granted leave of absence for two weeks on account of illness.

Mr. Congdon of Colebrook was granted leave of absence for the remainder of the week on account of illness.

Mr. Gage of Manchester was granted leave of absence for the day on account of important business.

Mr. Mullen of Manchester was granted leave of absence for the day on account of attending a funeral.

Mr. Tilton of Concord was granted leave of absence for the day on account of illness.

### Petition Presented, Read and Referred

By Mr. Baker of Concord,

Petition from the Board of Aldermen of the City of Concord, praying for the defeat of House Bill No. 60 with the request that the petition be referred to the Committee on Revision of the Statutes.

Read and referred to the Committee on Revision of the Statutes.

### Committee Reports

Mrs. Batchelder of Hanover, for the Committee on Engrossed Bills, reported that the committee had examined and found correctly engrossed the following entitled bills:

Senate Bill No. 6, An act regulating motor vehicle junk yards.

Senate Bill No. 7, An act relating to the registration of motor vehicles.

Senate Bill No. 16, An act relating to the establishment of memorials by towns and cities.

Senate Bill No. 22, An act limiting the time within which a marriage certificate is valid.

House Bill No. 74, An act relating to actions against tenants.

House Bill No. 123, An act relative to the definition of persons eligible for aid to the aged.

House Bill No. 134, An act relating to the payment of the poll taxes of married women.

House Bill No. 175, An act relating to the taking of white perch.

House Bill No. 322, An act relating to the definition of dealer in the law relating to motor vehicles.

The report was accepted.

Mr. Normandin of Laconia for the Committee on Judiciary, to whom was referred House Bill No. 333, An act requiring notice to the state police of the release or discharge of any person committed to certain institutions in connection with any so-called sex crime or unnatural act, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Normandin of Laconia for the Committee on Judiciary to whom was referred House Bill No. 364, An act to authorized the establishment of the Jackson Village Fire and Water District, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Gage of Manchester for the Committee on Labor to whom was referred House Bill No. 313, An act relating to minimum wage and maximum hour standards, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted.

The question being on the resolution offered by the committee that the bill is inexpedient to legislate.

Mr. Cogan of Portsmouth demanded the yeas and nays and the roll was called with the following result:



## Yeas, 264

ROCKINGHAM COUNTY: Stowe, Havican, Persson, Goodrich, Grinnell, Hepworth, Avery of East Kingston, Fecteau, Bourn, Pennell, Thompson of Exeter, Tozier, Beede, Miller of Greenland, Emerson of Hampstead, Adams of Hampton, Creighton, Nesmith, Smith of Newfields, Hoyt of Newington, Labranche, Willey, Prescott, Knowles, Rowell of Northwood, Palmer of Plaistow, Frederickson, Foote, Quimby, Tucker, Peever, Smith of Seabrook, Currier, Jewell of Stratham.

STRAFFORD COUNTY: Hayes of Dover, Loughlin, Sherry, Cronin, Fernald of Dover, Garland, Brown of Dover, Lucas, Smart, Blanchard, Plummer, Pray, Young of Rochester, Studley, Seavey, Hebert, Dubois, Berry.

BELKNAP COUNTY: Rollins, Hier, Adams of Belmont, Lord, Price, O'Shan, Tarlson, Guay, Normandin, Tilton, Ward 3, Laconia, Roucher, Tilton, Ward 4, Laconia, Ballou, Rivers, Greene, Simpson of Laconia, Brown of Meredith, Neal, Smith of New Hampton, Morse.

CARROLL COUNTY: Simpson of Bartlett, Downs, Mudgett, Russell of Conway, Gale, Fernald of Jackson, Nickerson, Merrow, Knox, Vittum, Young of Tuf-tonboro, Carpenter.

MERRIMACK COUNTY: Nicholas, Woodbury of Bow, Trow, Morrill, Sanborn of Chichester, Dunlap, Nash, Osborne of Concord, Saltmarsh, Sturtevant, Buntin, Freeman, George, Maxham, Hoyt of Concord, Collins of Danbury, Milburn, Yeaton of Epsom, Maxfield, Burnham, DuDevoir, LaFond, Nelson of Hopkinton, Cheney, Swift, Batchelder of Northfield, Perkins, Clark of Salisbury, Anderson, Cloues, Stuart.

HILLSBOROUGH COUNTY: Bills, Graham, Wiggin, Pierce, Powers, Clark of Francestown, Brown of Goffs-

town, Hambleton, Pattee, Charois, Tuttle, Boynton, Gay, Wilson, Goodwin of Hudson, Smith of Hudson, Reid, Bergholtz, Daniels, Knowlton of Manchester, Barnard, Johnson, Kimball, Woodbury of Manchester, Ward 2, Woodbury of Manchester, Ward 3, Gelinas, Head, Caron of Manchester, Ward 12, Whitaker, Emerson, Foster, Wadleigh, Erlando, Atherton, Cooper, Underhill, Duclos, Moussette, Shedd, Thompson of New Ipswich, Jones, Bass, Myhaver, Peaslee.

CHESHIRE COUNTY: Moore, Winslow, Thomas, Miller of Fitzwilliam, Hanson, Clark of Harrisville, Robertson, Duncan, Batchelor, Callahan, Knowlton of Keene, Frissell, Dort, Gates, Ellery, Lichman, Duffy, Tarbox, Phelps, Bullock, Rice, Lane, Perry, Wheeler, Smith of Troy, Chickering, Britton, Ingham, Nelson of Winchester.

SULLIVAN COUNTY: Hutchins of Charlestown, Babcock, Converse of Claremont, Etsler, Holt, Howe, Hutchins of Claremont, Officer, Putnam, Russell of Claremont, Warner, Barton, Hastings, Donovan, Kempton, Maley, Rowell of Newport, Osborne of Sunapee.

GRAFTON COUNTY: Bailey of Bath, Tyler, Noyes of Bethlehem, Coolidge, Pulsifer, Campbell, Ashley, Walbridge, Hodge, Leonard, Batchelder of Hanover, Tuxbury, Craig, Dean, Strobridge, Smith of Hebron, Marden, Cannell, Dow, Hough, Howard, Hoyt of Lebanon, Legassie, Collins of Lisbon, Hamilton, Hildebrand, Whitcomb, Santy, Bailey of Lyme, Lufkin, Bell, Merrill of Plymouth, Taylor, Dreghorn, Sawyer of Woodstock.

COOS COUNTY: Barden, Mason, Paine, Smith of Berlin, Ward 1, Palmer of Berlin, Smith of Berlin, Ward 2, Trottier, Bixby, Emerson of Dalton, Stiles, Willis, Crawford, Hartford, Peabody, Marshall, Rowden, Converse of Pittsburg, Boothman, Noyes of Stewartstown, Hinman, McIntyre.

## Nays, 80

ROCKINGHAM COUNTY: Burbank, Corson, Fransoso, Reinhart, Gray, Marston, Liberson, Yeaton, Cogan, Palfrey, Burkhardt.

STRAFFORD COUNTY: King, Durnin, Conrad, Emerson of Rochester, Nutter.

MERRIMACK COUNTY: MacPhee, Guilbeault, Coakley, Kemp, Baker, Elkins, Hancock, Harrison, Paveglia, Shaw, Boisvert of Pembroke, Dupont, Sanderson.

HILLSBOROUGH COUNTY: Michie, Barry of Manchester, Ward 3, Dwyer, Talty, Frain, O'Neil, Dulac, Lacroix, Barry of Manchester, Ward 6, Fox, Gaumont, Jean, Turcotte, Bouthiette, Brousseau, Constant, Donnelly, Kane, Wedick, Boisvert of Manchester, Brown of Manchester, Caron of Manchester, Ward 10, Aubin, Soucy, Woodbury of Nashua, Belanger, Goulet, Trombly, Sullivan, Timothy J. of Nashua, Berube, Marquis, Fournier, St. Francois, Shea of Nashua, Goyette, Ledoux, Lougee, Grandmaison, Hurbonovich, Senechal, Dugan.

CHESHIRE COUNTY: Relihan.

SULLIVAN COUNTY: None.

GRAFTON COUNTY: Hunter, French.

COOS COUNTY: Hinchey, Montminy, Bisson, Christiansen, Ramsey, Fortier, Laforce, Keough, Phelan.

And the resolution of the committee was adopted.

Mr. Barnard of Manchester, for the Committee on Revision of the Statutes, to whom was referred House Bill No. 190, An act against collection agencies, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Barnard of Manchester, for the Committee on Revision of the Statutes, to whom was referred House

Bill No. 289, An act relative to the definition of "benefit year" under the unemployment compensation law, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate, subject matter covered by House Bill No. 321.

The report was accepted and the resolution of the committee adopted.

Mr. Barnard of Manchester, for the Committee on Revision of the Statutes, to whom was referred House Bill No. 204, An act relative to service exemption for soldiers and sailors, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Carpenter of Wolfeboro, for the Committee on Fisheries and Game, to whom was referred House Bill No. 261, An act relative to penalties for violating certain provisions of the laws relating to fish and game, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Gage of Manchester, for the Committee on Labor, to whom was referred House Bill No. 73, An act relative to the minimum crew to be employed in switching or transferring cars, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Ellery of Keene, for the Committee on Forestry and Recreation, to whom was referred House Bill No. 361, An act relative to the Kearsarge Mountain Recreational Area, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill referred to the Committee on Appropriations under the rules.

Mr. St. Francois of Nashua, for the Committee on Education, to whom was referred House Bill No. 342, An act to provide for additional facilities for handicapped children, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of said bill by inserting after the paragraph numbered 47 the following: 47-a. *Limitation*. Nothing in this subdivision shall be construed as authorizing any public official, agent or representative, in carrying out any of the provisions of this chapter, to take charge of any child over the objection of either of the parents of such child, or of the person standing in *loco parentis* to such child, except pursuant to a proper court order.

The report was accepted, the amendment adopted and the bill referred to the Committee on Appropriations under the rules.

Mrs. Styles of Dummer, for the Committee on State Hospital, to whom was referred House Bill No. 373, An act relating to commitment to the state hospital, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Sanderson of Pittsfield, for the Committee on Appropriations, to whom was referred House Joint Resolution No. 52, Joint resolution in favor of Robert Ramig, reported the same with the recommendation that the joint resolution ought to pass.

The report was accepted and the joint resolution ordered to a third reading.

Mr. Carpenter of Wolfeboro, for the Committee on Fisheries and Game, to whom was referred House Bill

No. 374, An act relative to employees of the fish and game department, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Carpenter of Wolfeboro, for the Committee on Fisheries and Game, to whom was referred House Bill No. 218, An act closing the Androscoggin River to fishing, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 by striking out the entire section and inserting in place thereof the following:

1. *Androscoggin River.* Amend chapter 155 of the Laws of 1935 by inserting after section 8 the following new section: 8-a. *Fishing.* All fishing in the Androscoggin River from Errol dam to Pontook flowage, so called, and from Pontook dam to the foot of Pontook Falls is prohibited from September first to May first except that brook trout not less than ten inches in length may be taken by the use of artificial flies during the month of September.

The report was accepted, the amendment adopted and the bill ordered to a third reading.

Mr. Carpenter of Wolfeboro, for the Committee on Fisheries and Game, to whom was referred House Bill No. 113, An act relating to the open season for taking deer in Coos County, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 by striking out the entire section and inserting in place thereof the following:

1. *Wild Deer.* Amend section 2 of chapter 198 of the Public Laws, as inserted by section 2, chapter 124 of the Laws of 1935, as amended by section 1, chapter



136 of the Laws of 1937 by striking out the whole of said section and inserting in place thereof the following:

2. *Taking, Time.* Wild deer, outside of private game preserves, may be hunted and taken after six a. m. and before five p. m. in the counties of Carroll and Grafton from November first to December first, in that part of Coos county lying north of the main highway at the Vermont state line at Lemington to Colebrook and thence north on route 26 to Colebrook through Dixville and Errol to the Maine state line from October fifteenth to December first, and in the remainder of Coos county from November first to December first, and in all other counties in the state from December first to December sixteenth, except that no deer shall be hunted or taken at any time on any island or in any waters in lake and ponds.

The report was accepted.

Mr. Converse of Pittsburg moved that the reading of the amendment be dispensed with.

Mr. Fernald of Dover called for the reading of the amendment.

On a *viva voce* vote the amendment was adopted and the bill ordered to a third reading.

Mr. Ellery of Keene, for the Committee on Forestry and Recreation, to whom was referred House Bill No. 319, An act relating to the equipment of portable mills, reported the same with the following amendment and the recommendation that the bill as amended ought to pass.

Amend said bill by striking out after the enacting clause and inserting in place thereof the following:

1. *Portable Mills.* Amend section 59 of chapter 191 of the Public Laws by striking out said section and inserting in place thereof the following: 59. *Equipment; Rules and Regulations.* All portable sawmills

shall be equipped with such fire fighting apparatus as the state forester shall direct, provided the cost thereof does not exceed fifty dollars for each mill; and it shall be the duty of the state forester to make and adopt such reasonable rules and regulations as may be necessary to carry out the provisions of this subdivision and to determine what constitutes a portable sawmill.

2. *Steam Mills.* Amend chapter 191 of the Public Laws by inserting after section 65 the following new section: 65-a. *Spark Arresters.* Whenever in the judgment of the state forester any portable steam sawmill or any other steam mill or engine for sawing lumber operating in or near woodlands is so situated, constructed or operated as to be a fire menace to said woodland, said forester may order said mill or engine, except when the ground is covered with snow, to be equipped with such spark arrester as said forester may determine to be suitable. Any person violating any order made under the authority hereof or operating or causing to be operated said mill or engine in violation of said order shall be fined not more than one hundred dollars.

Further amend said bill by renumbering section 2 to read section 3.

The report was accepted, the amendments adopted and the bill ordered to a third reading.

Mr. Hunter of Hanover for the Committee on Rules, having considered the subject reported the following entitled bill, House Bill No. 382, An act relating to trapping, with the recommendation that the bill be referred to the Committee on Fisheries and Game.

The report was accepted, the bill read a first and second time, laid upon the table to be printed, and referred to the Committee on Fisheries and Game.

Mr. Boynton of Hillsboro for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 383, An act closing Cummings pond in Lyme to ice fishing, with the recommendation that the bill be referred to the Committee on Fisheries and Game.

The report was accepted, the bill read a first and second time, laid upon the table to be printed, and referred to the Committee on Fisheries and Game.

Mr. Osborne of Sunapee for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 384, An act relative to fishing in the tributaries of Sunapee lake, with the recommendation that the bill be referred to the Committee on Fisheries and Game.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Fisheries and Game.

Mr. Sanderson of Pittsfield for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 385, An act relating to certain waters in Carroll County, with the recommendation that the bill be referred to the Committee on Fisheries and Game.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Fisheries and Game.

Mr. Sanderson of Pittsfield for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 386, An act relating to sirens on motor vehicles, with the recommendation that the bill be referred to the Committee on Revision of the Statutes.

The report was accepted, the bill read a first and second time, laid upon the table to be printed, and referred to the Committee on Revision of the Statutes.

Mr. Etsler of Claremont for the Committee on Rules, having considered the subject, reported the following joint resolution, House Joint Resolution No. 71, Joint resolution in favor of Ernest Moore, with the recommendation that the joint resolution be referred to the Committee on Claims.

The report was accepted, the joint resolution read a first and second time, laid upon the table to be printed and referred to the Committee on Claims.

Mr. Normandin of Laconia for the Committee on Judiciary, to whom was referred House Bill No. 372, An act providing for a fiscal agent for the county of Coos, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill referred to the Committee on Appropriations, under the rules.

Mr. Foote of Portsmouth for the Committee on National Affairs, to whom was referred Concurrent Resolution, Concurrent resolution memorializing the Congress of the United States to enact into law the "General Welfare Act of 1939," reported the same with the following resolution:

*Resolved*, That the concurrent resolution is inexpedient to legislate.

We, the undersigned, a minority of the Committee on National Affairs, to whom was referred, Concurrent Resolution, Concurrent resolution memorializing the Congress of the United States to enact into law the "General Welfare Act of 1939," having considered the same, and being unable to agree with the majority, reported the same with the recommendation that the concurrent resolution ought to pass.

ANTONIO DUPONT,  
EDWARD M. DU DEVOIR,  
JOHN P. KING,  
JAMES E. HOLT,  
*A Minority of the Committee.*

Mr. Dupont of Pembroke moved to substitute the report of the minority "ought to pass" for the report of the majority "inexpedient to legislate."

The question being on the motion to substitute.

(Discussion ensued)

Messrs. Sanderson of Pittsfield, Winslow of Chesterfield, and Emerson of Milford spoke against the motion.

Messrs. Sherry of Dover, Barnard of Manchester and Powers of Brookline spoke for the motion.

Mr. Emerson of Milford moved that the concurrent resolution and its accompanying reports be indefinitely postponed.

The question being on the motion to indefinitely postpone.

(Discussion ensued)

Mr. Sherry of Dover spoke against the motion.

Mr. Baker of Concord moved the previous question.

The question being,

Shall the main question now be put?

On a *viva voce* vote the previous question was ordered.

The question being on the motion to indefinitely postpone.

Mr. Sanderson of Pittsfield demanded the yeas and nays, and the roll was called with the following results:

Yeas, 130

ROCKINGHAM COUNTY: Havican, Perrson, Burbank, Grinnell, Bourn, Pennell, Emerson of Hampstead, Creighton, Smith of Newfields, Prescott, Knowles, Rowell of Northwood, Liberson, Quimby, Tucker, Currier, Jewell of Stratham.

STRAFFORD COUNTY: Hayes of Dover, Fernald of Dover, Smart, Hale, Young of Rochester, Nutter, Du-bois, Berry.

BELKNAP COUNTY: Guay, Normandin, Rivers, Greene, Morse.

CARROLL COUNTY: Russell of Conway, Young of Tuftonboro, Carpenter.

MERRIMACK COUNTY: Woodbury of Bow, Trow, Morrill, Dunlap, Baker, Elkins, Hancock, Conlon, Nash, Sturtevant, Yeaton of Epsom, Burnham, Nelson of Hopkinton, Swift, Perkins, Sanderson, Clark of Salisbury, Anderson, Cloues, Stuart.

HILLSBOROUGH COUNTY: Bills, Wiggin, Pierce, Clark of Francestown, Brown of Goffstown, Tuttle, Boynton, Wilson, Daniels, Knowlton of Manchester, Woodbury of Manchester, Ward 3, O'Neil, Emerson of Milford, Wadleigh, Atherton, Woodbury of Nashua, Jones, Bass, Myhaver, Peaslee.

CHESHIRE COUNTY: Moore, Thomas, Miller of Fitzwilliam, Hanson, Clark of Harrisville, Duncan, Dort, Tarbox, Bullock, Rice, Lane, Perry, Chickering, Relihan, Britton, Ingham, Nelson of Winchester.

SULLIVAN COUNTY: Hutchins of Charlestown, Babcock, Putnam, Witherell, Hastings, Osborne of Sunapee, Davison.

GRAFTON COUNTY: Bailey of Bath, Tyler, Noyes of Bethlehem, Coolidge, Pulsifer, Ashley, Leonard, Batchelder of Hanover, Hunter, Tuxbury, Craig, Dean, Strobridge, Smith of Hebron, Marden, Hough, Howard, Hoyt of Lebanon, Hamilton, Bowker, Hildebrand, Whitcomb, Bailey of Lyme, Lufkin, Bell, Merrill of Plymouth, Dreghorn, Sawyer of Woodstock.

COOS COUNTY: Mason, Paine, Montminy, Emerson of Dalton, Peabody.



## Nays, 186

ROCKINGHAM COUNTY: Corson, Hepworth, Avery of East Kingston, Fecteau, Thompson of Exeter, Tozier, Beede, Miller of Greenland, Adams of Hampton, Keay, Nesmith, Labranche, Willey, Fransoso, Reinhart, Foote, Gray, Marston, Yeaton, Palfrey, Burkhardt, Barron, Peever, Smith of Seabrook.

STRAFFORD COUNTY: Loughlin, Sherry, Cronin, King, Garland, Brown of Dover, Lucas, Durnin, Blanchard, Plummer, Pray, Conrad, Emerson of Rochester, Studley, Seavey, Hebert.

BELKNAP COUNTY: Hier, Adams of Belmont Lord, Price, O'Shan, Tarlson, Tilton, Ward 3, Laconia, Roucher, Tilton, Ward 4, Laconia, Ballou, Simpson of Laconia, Brown of Meredith, Neal, Smith of New Hampton.

CARROLL COUNTY: Gale, Merrow, Vittum.

MERRIMACK COUNTY: Guilbeault, MacPhee, Nichols, Coakley, Kemp, Saltmarsh, Freeman, Maxham, Hoyt of Concord, Collins of Danbury, Maxfield, DuDevoir, Cheney, Batchelder of Northfield, Boisvert of Pembroke, Dupont.

HILLSBOROUGH COUNTY: Powers, Michie, Hambleton, Pattee, Charois, Gay, Goodwin of Hudson, Smith of Hudson, Reid, Bergholtz, Barnard, Johnson, Kimball, Woodbury of Manchester, Ward 2, Barry of Manchester, Ward 3, Dwyer, Dulac, Houle, Lacroix, Barry of Manchester, Ward 6, Booth, Fox, Gaumont, Jean, Poirier, Turcotte, Bouthiette, Brousseau, Constant, Donnelly, Gelinas, Kane, Wedick, Boisvert of Manchester, Brown of Manchester, Caron of Manchester, Ward 10, Head, Aubin, Caron of Manchester, Ward 12, Whitaker, Foster, Cooper, Underhill, Duclos, Belanger, Goulet, Trombley, Sullivan, Timothy J. of Nashua, Derube, Marquis, Fournier, St. Francois, Shea of Nashua, Goyette, Ledoux, Lougee, Grandmaison,

Hurbonovich, Senechal, Shedd, Thompson of New Ipswich, Dugan.

CHESHIRE COUNTY: Winslow, Robertson, Batchelor, Callahan, Frissell, Gates, Ellery, Lichman, Duffy, Phelps, Wheeler, Smith of Troy.

SULLIVAN COUNTY: Converse of Claremont, Etsler, Holt, Hutchins of Claremont, Officer, Russell of Claremont, Barton, Hall, Donovan, Kempton, Maley, Rowell.

GRAFTON COUNTY: Swayne, Campbell, Walbridge, Cannell, Dow, French, Legassie, Collins of Lisbon, Santy, Taylor.

COOS COUNTY: Barden, Hinchey, Smith of Berlin, Ward 1, Palmer of Berlin, Trottier, Christiansen, Ramsey, Bixby, Laforce, Stiles, Keough, Willis, Crawford, Hartford, Bowden, Converse of Pittsburg, McIntyre.

Mr. Canty of Portsmouth, voting no, paired with Mr. Cogan of Portsmouth, voting yes.

Mr. Rollins of Alton, voting no, paired with Mr. Osborn of Concord, voting yes.

Mr. George of Concord, voting yes, paired with Mr. Lafond of Hooksett, voting no.

And the motion to indefinitely postpone did not prevail.

The question being on the motion to substitute the minority report "ought to pass" for the report of the majority "inexpedient to legislate."

On a *viva voce* vote the motion to substitute prevailed.

Mr. Dort of Keene offered the following amendment:

Amend the title of the resolution by striking out all after the word "to" and inserting in place thereof the following: provide ample old age security and to insure complete and impartial consideration of the General Welfare Act of 1939.

Amend the body of the resolution by striking out all after the title and inserting in place thereof the following:

### Resolution

Memorializing the Congress of the United States to provide ample old age security and to insure complete and impartial consideration of the "General Welfare Act of 1939."

*Whereas*, the principle of old age security is now fully recognized throughout this nation, and

*Whereas*, it is becoming increasingly imperative that ample comfort and freedom from economic stress be provided for the aged, and

*Whereas*, thousands of the citizens of New Hampshire believe that the enactment into law of the "General Welfare Act of 1939" (Townsend National Recovery Plan) would accomplish the above purposes and also be of immense benefit to business in general; therefore be it

*Resolved*, That the Senate and House of Representatives of the State of New Hampshire in General Court convened, do hereby urge the Congress of the United States to take immediate action designed to solve the problem of old age security; and to continue and expeditiously to complete full and impartial hearings on the "General Welfare Act of 1939"; and be it further

*Resolved*, That a copy of these resolutions be forwarded to the President of the United States and to the presiding officers of the legislative branches of the federal government; and be it further

*Resolved*, That a copy of these resolutions be forwarded to the United States Senator, H. Styles Bridges, United States Senator Charles W. Tobey, Congressman Arthur B. Jenks and Congressman

Foster Stearns, requesting them to do all in their power to expedite the purposes of this resolution.

The question being on the amendment offered by Mr. Dort of Keene.

(Discussion ensued)

Mr. Dort of Keene spoke for the amendment.

Mr. Sherry of Dover spoke against the amendment.

Mr. Clark of Salisbury moved the previous question.

The question being, Shall the main question now be put?

On a *viva voce* vote the previous question was ordered.

The question being on the amendment.

On a *viva voce* vote the amendment was adopted and the concurrent resolution as amended ordered to a third reading.

### Message from the Senate

A message from the Honorable Senate by its Clerk announced that the Senate had voted to adopt the amendments offered by the Committee on Engrossed Bills to the following house bills, in the adoption of which amendments the Senate asked the concurrence of the House of Representatives:

House Bill No. 106, An act relating to registration fees for vehicles carrying special equipment.

Amend section 1 of said bill by inserting after the word "chassis" in the seventh line the words, and truck shovels on motor vehicle chassis.

Further amend said section by striking out the word "incorporated" where it occurs in the eleventh and fifty-first lines.

On motion of Mr. Barnard of Manchester the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 157, An act to close Forest lake, Winchester, to ice fishing.

Amend section 1 of said bill by striking out the first five lines and inserting in place thereof the following:

1. *Closed to Ice Fishing.* Amend paragraph I of section 5 of chapter 155 of the Laws of 1935, as inserted by section 3, chapter 96 of the Laws of 1937, by adding at the end thereof the words, Forest lake in Winchester, so that said paragraph as amended shall read as follows:

On motion of Mr. Elkins of Concord, the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 158, An act to close all tributaries of Pisgah reservoir in Winchester to fishing.

Amend section 1 of said bill by striking out said section and inserting in place thereof the following:

1. *Pisgah Reservoir.* Amend paragraph VII of section 7, chapter 155, Laws of 1935, as inserted by section 4, chapter 96, Laws of 1937, by adding at the end thereof the words: all tributaries of Pisgah reservoir in Winchester, so that said paragraph as amended shall read as follows: VII. Pillsbury Reservation in Washington and all brooks therein. All tributaries of Pleasant lake in New London and that portion of Pleasant lake which forms a cove into which Chandler brook flows out to a line between two markers approximately one hundred yards north from Chandler brook, all tributaries of Pisgah reservoir in Winchester.

On motion of Mr. Elkins of Concord, the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 334, An act in amendment of the laws relating to the Union School District in Concord.

Amend the title of said bill by striking out the words "in amendment of the laws."

Amend section 1 of said bill by striking out the word "of" in the fifth line and inserting in place thereof the word, in.

On motion of Mr. Elkins of Concord, the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

### Order Vacated

On motion of Mr. Conrad of Rochester, the rules were suspended and the order vacated whereby House Bill No. 371, An act establishing police commissioners for the city of Rochester was referred to the Committee on Judiciary, and the bill referred to a Special Committee consisting of the Delegation from the city of Rochester.

On motion of Mr. Fernald of Dover, business in order at three o'clock was made in order at the present time.

### Third Readings

On motion of Mr. Fernald of Dover, the rules were suspended and the third readings of bills by their titles and joint resolution by its caption and a concurrent resolution were in order.



Concurrent Resolution, Resolution memorializing the Congress of the United States to enact into law the "General Welfare Act of 1939."

House Bill No. 113, An act relating to the open season for taking deer in Coos County.

House Bill No. 218, An act closing the Androscoggin River to fishing.

House Bill No. 319, An act relating to the equipment of portable mills.

House Bill No. 373, An act relating to commitment to the state hospital.

House Bill No. 374, An act relative to employees of the fish and game department.

House Joint Resolution No. 52, Joint resolution in favor of Robert Ramig.

Severally read a third time and passed, and sent to the Senate for concurrence.

On motion of Mr. Moore of Alstead at 1:43 o'clock the House adjourned.

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THURSDAY, MARCH 30, 1939.

The House met at 11 o'clock.

Prayer was offered by the Chaplain.

#### Leaves of Absence

Messrs. Gelinas of Manchester, Tilton of Concord, Rollins of Alton, Caron of Ward 12, Manchester, and Atherton of Nashua, were granted leave of absence for the day on account of important business.

Mr. Neal of Meredith was granted leave of absence for the day on account of illness.

#### Resolution

On motion of Mr. Callahan of Keene,

*Resolved*, That when the House adjourns this morning it adjourns to meet Saturday morning at 10 o'clock and that when it then adjourns it adjourns to meet Tuesday morning at 11 o'clock.

### Committee Reports

Mr. Sawyer of Woodstock, for the Committee on Engrossed Bills, reported that the committee had examined and found correctly engrossed the following entitled bills:

House Bill No. 106, An act relating to registration fees for vehicles carrying special equipment.

House Bill No. 129, An act relating to fraternal benefit societies.

House Bill No. 157, An act to close Forest lake, Winchester, to ice fishing.

House Bill No. 158, An act to close the tributaries to Pisgah reservoir in the town of Winchester to all fishing.

House Bill No. 328, An act relating to ice cream and sherbets.

House Bill No. 334, An act relating to the Union School District in Concord.

The report was accepted.

Mr. Barnard of Manchester, for the Committee on Revision of Statutes, to whom was referred Senate Bill No. 36, An act relative to the registration fee of non-resident circus motor vehicles, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mr. Barnard of Manchester, for the Committee on Revision of Statutes, to whom was referred Senate Bill No. 32, An act relative to the attachment of number plates on motor vehicles, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mr. Barnard of Manchester, for the Committee on Revision of Statutes, to whom was referred Senate Bill No. 34, An act relative to reports to be made by courts to the motor vehicle department, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mr. Barnard of Manchester, for the Committee on Revision of Statutes, to whom was referred House Bill No. 362, An act authorizing the board of accountancy to make rules and regulations, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Boynton of Hillsboro, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 387, An act relative to the taking of black bass, with the recommendation that the bill be referred to the Committee on Fisheries and Game.

The report was accepted, the bill read a first and second time, laid upon the table to printed, and referred to the Committee on Fisheries and Game.

Mr. Baker of Concord, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 388, An act to revise the charter of the city of Concord, with the recommendation that the bill be referred to the Committee on Judiciary.

The report was accepted, the bill read a first and second time, laid upon the table to be printed, and referred to the Committee on Judiciary.

On motion of Mr. Baker of Concord the rules were suspended, the order vacated, whereby House Bill

No. 388, An act to revise the charter of the city of Concord, was referred to the Committee on Judiciary, and the bill referred to a special committee consisting of the delegation from the city of Concord.

Mr. Sanderson of Pittsfield, for the Committee on Appropriations, to whom was referred House Joint Resolution No. 13, Joint resolution in favor of James F. Donahue and George C. Hamlin, reported the same with the following amendment, and the recommendation that the joint resolution as amended ought to pass.

Amend the joint resolution by striking out the words "ten thousand" and inserting in place thereof the words, six thousand four hundred, so that the joint resolution as amended shall read as follows: That the sum of six thousand four hundred dollars be and hereby is allowed and appropriated to compensate James F. Donahue and George C. Hamlin, both of Bartlett in the county of Carrol, doing business as Donahue & Hamlin for developing the Willey House in Crawford Notch, and turning over to the state thirty-four buildings consisting of restaurant, store, laundry and cabins, a water system delivering water to all buildings, an electric light plant for the manufacture and transmission of electricity to the thirty-four buildings, clearing of land of rocks, trees and stumps to make possible the erection of thirty-four buildings, road construction on the mountain side. The governor is hereby authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

### Message from the Senate

A message from the Honorable Senate, by its Clerk, announced that the Senate had voted to concur with

the House of Representatives in the passage of the following entitled bills, sent up from the House of Representatives:

House Bill No. 66, An act relating to landlord and tenant.

House Bill No. 112, An act relating to the stimulation of race horses.

House Bill No. 162, An act to close Lake Katherine in the town of Piermont to all fishing.

House Bill No. 163, An act authorizing the city of Keene to acquire land for the purposes of flood control.

House Bill No. 176, An act to close the south branch of Gale river to fishing.

House Bill No. 217, An act closing Elbow pond in Woodstock to ice fishing.

House Bill No. 254, An act relating to pedestrians.

House Bill No. 259, An act relating to the powers of the Superior Court.

House Bill No. 302, An act relating to trapping.

House Bill No. 325, An act relating to interstate authority for the Portsmouth-Kittery Bridge and approaches thereto.

House Bill No. 332, An act relating to the Fraternal Order of Eagles of Manchester, N. H.

House Bill No. 346, An act to legalize the biennial election held on the 8th day of November, 1938, in the town of Middleton.

The message also announced that the Senate concurred with the House of Representatives in the passage of the following entitled bills, with amendments, in the passage of which amendments the Senate asked the concurrence of the House of Representatives:

House Bill No. 165, An act relating to the construction of sidewalks in the city of Nashua.

Amend said bill by inserting after section 2 the following new section:

3. *Repeal.* Section 3 of chapter 319 of the Laws of 1915, relative to maintenance of sidewalks in said city, is hereby repealed.

Further amend said bill by renumbering section 3 to read section 4.

The question being on the amendment.

Mr. Marquis of Nashua asked for a division.

Mr. Elkins of Concord moved that the bill with the amendment pending be laid upon the table.

On a *viva voce* vote the motion was adopted and the bill with the amendment pending was laid upon the table.

House Bill No. 330, An act to close Dimond pond otherwise known as Tom pond in Warner.

Amend the title of the bill by adding at the end thereof the words, to ice fishing; so that said title as amended will read:

An act to close Dimond pond otherwise known as Tom pond in Warner, to ice fishing.

On motion of Mr. Elkins of Concord the House concurred in the adoption of the amendments sent down from the Honorable Senate.

The bill was then sent to the Secretary of State to be engrossed.

### Reconsiderations

Mr. Keough of Gorham moved that the House reconsider its vote whereby it voted to adopt the report of the Committee on Judiciary on House Bill No. 364, An act to authorize the establishment of the Jackson Village fire and water district, inexpedient to legislate.

On a *viva voce* vote the motion to reconsider was adopted.

Mr. Keough of Gorham moved that the bill be re-committed to the Committee on Judiciary.



On a *viva voce* vote the motion prevailed, and the bill was recommitted to the Committee on Judiciary.

Mr. Batchelor of Keene moved that the House reconsider its vote whereby it voted to adopt the report of the Committee on Appropriations on House Joint Resolution No. 30, Joint resolution to establish a commission to investigate the question of a state pier at Portsmouth, inexpedient to legislate.

On a *viva voce* vote the motion to reconsider was adopted.

Mr. Batchelor of Keene moved that the joint resolution be recommitted to the Committee on Coastwise Improvements.

On a *viva voce* vote the motion prevailed and the joint resolution was recommitted to the Committee on Coastwise Improvements.

### Resolution

Mrs. Batchelder of Hanover offered the following resolution:

*Resolved*, That the House recede from its position in adopting the amendments to House Bill No. 146, An act relating to the registration of registered nurses, as proposed by the Committee on Engrossed Bills.

On a *viva voce* vote the resolution was adopted.

### Personal Privilege

Mr. Corson of Derry rose to a point of personal privilege and stated that he desired to correct his vote on House Bill No. 313, An act relating to minimum wage and maximum hour standards, from No to Yes.

Mr. Simpson of Bartlett rose to a point of personal privilege and stated that he desired to be recorded as voting against the motion to indefinitely postpone concurrent resolution regarding memorializing Congress on the Townsend Plan.

Mr. Gage of Manchester rose to a point of personal privilege and stated that he desired to be recorded as voting Yes on House Bill No. 313, An act relating to minimum wage and maximum hour standards, and as voting No on the concurrent resolution to memorialize Congress on the Townsend Plan.

The following telegram was read by the Speaker:

Due to automobile mishap could not be there when the vote was taken. Would like to go on record as being in favor on wage hour bill, and we would have voted Nay on Townsend motion.

GEORGE J. POTVIN,  
AURELE BEAUDOIN,  
of Rochester.

On motion of Mr. Fernald of Dover business in order at 3 o'clock was made in order at the present time.

### Afternoon

On motion of Mr. Fernald of Dover the rules were suspended and the third readings of bills by their titles, and joint resolution by its caption, made in order.

House Joint Resolution No. 13, Joint resolution in favor of James F. Donahue and George C. Hamlin.

House Bill No. 362, An act authorizing the board of accountancy to make rules and regulations.

Severally read a third time and passed and sent to the Senate for concurrence.

Senate Bill No. 32, An act relative to the attachment of number plates on motor vehicles.

Senate Bill No. 34, An act relative to reports to be made by courts to the Motor Vehicle Department.

Senate Bill No. 36, An act relative to the registration fee of non-resident circus motor vehicles.

Severally read a third time and passed and sent to the Secretary of State to be engrossed.

On motion of Mr. Hutchins of Charlestown at 11:46 o'clock the House adjourned.

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SATURDAY, APRIL 1, 1939.

The House met at 10:00 o'clock.

The following letter was read by the Clerk:

Saturday, April 1, 1939.

Mr. George H. Nash,  
Concord, N. H.

DEAR SIR:

I shall be unable to attend the session on Saturday morning. Will you kindly preside for me and oblige.

Yours respectfully,

ANSEL N. SANBORN,  
*Speaker.*

There being no quorum present at 10:01 o'clock the House adjourned.

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TUESDAY, APRIL 4, 1939.

The House met according to adjournment.

Prayer was offered by the Chaplain.

#### Leaves of Absence

Messrs. Cloues of Warner and George of Concord were granted leave of absence for the day on account of important business.

Messrs. Atherton of Nashua, Whitaker of Mason and Congdon of Colebrook were granted leave of absence for the day on account of illness.

Mr. Ledoux of Nashua was granted leave of absence for the day on account of attending a wedding.

Mr. Stuart of Wilmot was granted leave of absence for Tuesday and Wednesday on account of important business.

Mr. Michie of Deering was granted leave of absence for two weeks on account of important state business.

### Resolution

Mr. Baker of Concord offered the following resolution:

*Resolved*, That, in view of the fact that New Hampshire's Senior United States Senator, H. Styles Bridges, is at his East Concord home over the weekend, he be respectfully invited to address the members of the House this afternoon immediately following the afternoon session, and that His Excellency the Governor, the Honorable Council and the Honorable Senate be invited.

On a *viva voce* vote the resolution was adopted.

### Committee Reports

Mrs. Batchelder of Hanover, for the Committee on Engrossed Bills, reported that the committee had examined and found correctly engrossed the following entitled bills:

House Bill No. 259, An act relating to the powers of the superior court.

House Bill No. 346, An act to legalize the biennial election held on the eighth day of November, 1938, in the town of Middleton.

The report was accepted.

Mr. Carpenter of Hanover for the Committee on Fisheries and Game, to whom was referred House Bill

No. 156, An act opening Pillsbury Reservation in Washington to all fishing except ice fishing, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Normandin of Laconia for the Committee on Judiciary, to whom was referred House Bill No. 349, An act relative to the collection of legacy taxes upon certain contingent devises and bequests, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Pulsifer of Campton for the Committee on Agriculture, to whom was referred House Bill No. 359, An act relating to the issuance of no par value stock by co-operative-marketing associations, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Merrow of Ossipee for the Committee on Ways and Means, to whom was referred House Bill No. 216, An act relating to the duties of the Register of Probate, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Barnard of Manchester for the Committee on Revision of Statutes, to whom was referred House Bill No. 46, An act relative to primary petitions and nomination of candidates at the primary election, reported the same with the following amendments, and the recommendation that the bill as amended ought to pass.

Amend section 2 by striking out the entire section.

Further amend by renumbering section 3 section 2.

The report was adopted and the amendments adopted.

The question being,

Shall the bill be read a third time?

Mr. Duncan of Jaffrey moved that the bill be indefinitely postponed.

The question being on the motion to indefinitely postpone.

(Discussion ensued)

Messrs. Duncan of Jaffrey and Hoyt of Newington spoke for the motion.

Mr. Barnard of Manchester spoke against the motion.

Mr. Cormier of Nashua moved the previous question.

The question being,

Shall the main question now be put?

On a *viva voce* vote the previous question was ordered.

The question being on the motion to indefinitely postpone.

On a *viva voce* vote the motion did not prevail.

Mr. Duncan of Jaffrey called for division.

A division being had 161 members voted in the affirmative, and 170 members voted in the negative, and the motion to indefinitely postpone did not prevail.

Mr. Maley of Newport demanded the yeas and nays, and the roll was called with the following result:

#### Nays, 199

ROCKINGHAM COUNTY: Stowe, Goodrich, Burbank, Corson, Hepworth, Fecteau, Thompson of Exeter, Miller of Greenland, Emerson of Hampstead, Creighton, Nesmith, Smith of Newfields, Prescott, Rowell of Northwood, Palmer of Plaistow, Fransoso, Frederick-



son, Foote, Marston, Yeaton, Liberson, Barron, Peever.

STRAFFORD COUNTY: Loughlin, Sherry, Fernald of Dover, Garland, Smart, Blanchard, Hayes of Farmington, Pray, Emerson of Rochester, Young of Rochester, Seavey, Berry.

BELKNAP COUNTY: Rollins, Tarlson, Roucher, Rivers, Simpson of Laconia, Neal.

CARROLL COUNTY: Simpson of Bartlett, Downs, Mudgett, Fernald of Jackson, Banfield, Merrow, Carpenter, Jewell of Wolfeboro.

MERRIMACK COUNTY: Guilbeault, Nichols, Kemp, Baker, Elkins, Hancock, Conlon, Nash, Osborne of Concord, Saltmarsh, Sturtevant, Tilton of Concord, Freeman, Maxham, Paveglio, Collins of Danbury, Milburn, Maxfield, Shaw, Merrill of Loudon, Cheney, Swift, Batchelder of Northfield, Boisvert of Pembroke, Dupont.

HILLSBOROUGH COUNTY: Graham, Wiggin, Brown of Goffstown, Hambleton, Pattee, Boynton, Gay, Goodwin of Hudson, Reid, Bergholtz, Chase, Daniels, Knowlton of Manchester, Barnard, Gage, Johnson, Kimball, O'Neil, Benoit of Manchester, Ward 7, Gagnon of Manchester, Gaumont, Turcotte, Benoit of Manchester, Ward 8, Bouthiette, Constant, Donnelly, Kane, Wedick, Brown of Manchester, Head, Aubin, Caron of Manchester, Ward 12, Durette, Letendre, Soucy, Rousseau, Thibodeau, Emerson of Milford, Wadleigh, Cooper, Underhill, Woodbury of Nashua, Duclos, Belanger, Goulet, Trombley, Sullivan, Thomas F. of Nashua, Sullivan, Timothy J. of Nashua, Berube, Marquis, Moussette, St. Francois, Shea of Nashua, Lougee, Cormier, Grandmaison, Joyce, Wilcox, Hurbonovich, Senechal, Shedd, Myhaver, Peaslee.

CHESHIRE COUNTY: Moore, Batchelder, Knowlton of Keene, Frissell, Dort, Ellery, Lichman, Duffy, Wheeler, Relihan, Ingham.

SULLIVAN COUNTY: Hutchins of Charlestown, Babcock, Converse of Claremont, Etsler, Holt, Howe, Hutchins of Claremont, Officer, Putnam, Russell of Claremont, Kempton, Rowell of Newport, Osborne of Sunapee, Davison.

GRAFTON COUNTY: Pulsifer, Ashley, Batchelder of Hanover, Hunter, Dean, Strobridge, Marden, Cannell, Dow, Hough, Hoyt of Lebanon, Collins of Lisbon, Bowker, Hildebrand, Whitcomb, Bell, Taylor, Dreghorn.

COOS COUNTY: Barden, Hinchey, Mason, Paine, Trottier, Bisson, Christiansen, Bixby, Fortier, Gagnon of Berlin, Emerson of Dalton, Willis, Marshall, Bowden, Converse of Pittsburg, Phelan, Noyes of Stewartstown, Hinman, McIntyre.

### Yeas, 169

ROCKINGHAM COUNTY: Havican, Persson, Grinnell, Avery of East Kingston, Bourn, Pennell, Tozier, Beede, Adams of Hampton, Keay, Hoyt of Newington, Labranche, Willey, Reinhart, Gray, Palfrey, Quimby, Tucker, Currier, Jewell of Stratham.

STRAFFORD COUNTY: Hayes of Barrington, Hayes of Dover, King, Brown of Dover, Lucas, Durnin, Hale, Plummer, Conrad, Beaudoin, Potvin, Studley, Nutter, Lagueux, Habel, Boucher, St. Laurent.

BELKNAP COUNTY: Adams of Belmont, Lord, Price, Guay, Tilton, Ward 3, Laconia, Tilton of Ward 4, Laconia, Greene, Brown of Meredith, Smith of New Hampton, Morse, Goodwin of Tilton.

CARROLL COUNTY: Russell of Conway, Gale, Nickerson, Knox, Vittum, Young of Tuftonboro.

MERRIMACK COUNTY: MacPhee, Woodbury of Bow, Morrill, Sanborn of Chichester, Coakley, Dunlap, Bunt, Hoyt of Concord, Harrison, Yeaton of Epsom, Carignan, Lemire, Dempsey, DuDevoir, Lafond, Nelson of Hopkinton, Clarke of Salisbury, Anderson.

HILLSBOROUGH COUNTY: Bills, Powers, Clark of Francestown, Charois, Tuttle, Wilson, Smith of Hudson, Woodbury of Manchester, Ward 2, Barry of Manchester, Ward 3, Woodbury of Manchester, Ward 3, Duffey, Frain, McGowan, Dulac, O'Brien, Barry of Manchester, Ward 6, Connolly, Fox, Jean, Poirier, Gelinas, Boisvert of Manchester, Driscoll, Caron of Manchester, Ward 10, Gilmartin, Carroll, Mullen, Roukey, Duval, Carter, Foster, Erlando, Griswold, Goyette, Thompson of New Ipswich, Jones.

CHESHIRE COUNTY: Winslow, Thomas, Miller of Fitzwilliam, Hanson, Clark of Harrisville, Robertson, Duncan, Sawyer of Jaffrey, Gates, Tarbox, Phelps, Bullock, Rice, Lane, Perry, Smith of Troy, Chickering, Britton, Nelson of Winchester.

SULLIVAN COUNTY: Warner, Barton, Hastings, Hall, Donovan, Maley, Whitney, Callum.

GRAFTON COUNTY: Swayne, Bailey of Bath, Tyler, Noyes of Bethlehem, Coolidge, Campbell, Walbridge, Hodge, Leonard, Tuxbury, Craig, Smith of Hebron, French, Howard, Legassie, Hamilton, Santy, Bailey of Lyme, Lufkin, Merrill of Plymouth, Sawyer of Woodstock.

COOS COUNTY: Smith of Berlin, Ward 1, Montminy, Palmer of Berlin, Ramsey, Laforce, Kelsea, Jackson, Stiles, Keough, Cryan, Hartford, Peabody, Boothman.

And the motion to substitute did not prevail.

The question being,

Shall the bill be read a third time?

On a *viva voce* vote the motion prevailed and the bill was ordered to a third reading.

Mr. Carpenter of Wolfeboro for the Committee on Fisheries and Game, to whom was referred House Bill No. 380, An act relating to brook trout, reported the same with the following amendments, and the recommendation that the bill as amended ought to pass.

Amend the title by striking out "brook" and adding, "and salmon," so that said title as amended shall read as follows:

An act relating to trout and salmon.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *General Provisions.* Brook trout may be taken and possessed from April fifteenth to September first, and during the month of September by the use of artificial flies only, in Coos, Grafton and Carroll counties. Brook trout may be taken and possessed from April fifteenth to August first, and during the month of August by the use of artificial flies only, in all of the other counties in the state. The provisions of this section shall not apply in waters where special provisions are applicable.

2. *Taking of Trout, Salmon and Lake Trout.* Amend section 6, chapter 201 of the Public Laws, as amended by section 5, chapter 124 of the Laws of 1935, by striking out said section and inserting in place thereof the following: 6. *Taking of Trout, Salmon and Lake Trout.* The taking of any of the species mentioned in this subdivision between two hours after sunset and one hour before sunrise is prohibited. Any of the species mentioned in the subdivision may be taken after April fifteenth, during the open season, through a natural opening in the ice.

3. *Takes Effect.* This act shall take effect upon its passage, providing, however, that section 1 thereof shall be in effect for two years only from the date of its passage.

The report was accepted, and the amendments adopted.

Mr. Fernald of Jackson offered the following amendment:

Amend section 1 of said bill by striking out the word "fifteen" in line 11 of the printed bill and inserting in place thereof the word, twenty, so that said section as amended shall read as follows:

1. *General Provisions.* Brook trout may be taken and possessed from April fifteenth to September fifteenth, and during the month of September by the use of artificial flies only, in Coos, Grafton and Carroll counties. Brook trout may be taken and possessed from April fifteenth to August first, and during the month of August by the use of artificial flies only, in all of the other counties in the state. Of brook trout taken under the provisions of this section no person may take more than twenty in number nor more than five pounds in weight when taken, in one day, provided so long he has taken less than five pounds he shall be entitled to one additional fish. The provisions of this section shall not apply in waters where special provisions are applicable.

The question being on the amendment offered by Mr. Fernald of Jackson.

On a *viva voce* vote the amendment was not adopted.

The question being,

Shall the bill be read a third time?

On a *viva voce* vote the bill was ordered to a third reading.

Mr. Normandin of Laconia for the Committee on Judiciary, to whom was referred House Bill No. 358, An act creating a state aeronautics commission, having considered the same, reported the same with the following amendments, and the recommendation that the bill as amended ought to pass.

Amend by striking out the title of said bill and inserting in its place the following new title:

An act relating to the development of aeronautical facilities.



Further amend by striking out the whole of said bill and inserting in place thereof the following:

1. *Planning and Promotion of Aeronautical Facilities.* The Planning and Development Commission is hereby authorized to study and recommend the proper development of airways and aeronautical facilities within the state, utilizing for this purpose personnel of its regular staff or such additional personnel as may be approved by the Governor and Council.

2. *Agency for Negotiation.* The Planning and Development Commission is authorized, with the approval of the Governor and Council, to represent the state in negotiations with the federal government concerning federal aid in the construction of airways and aeronautical facilities, and at the request of any other governmental unit within the state may represent such governmental unit for this purpose.

3. *Recommendations.* The Planning and Development Commission shall from time to time, as it deems necessary and advisable, or upon call, make written recommendations to the Governor and Council and/or the Legislature for the further development of aeronautical facilities of all types within this state and for their maintenance.

The report was accepted.

The reading of the amendments having commenced on motion of Mr. Tilton of Ward 4, Laconia, further reading of the amendments was dispensed with.

On a *viva voce* vote the amendments were adopted and the bill referred to the Committee on Appropriations under the rules.

Mr. Carpenter of Wolfeboro, for the Committee on Fisheries and Game, to whom was referred House Bill No. 93, An act relating to the open and closed season



for taking fish in certain waters, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Normandin of Laconia, for the Committee on Judiciary, to whom was referred House Bill No. 153, An act defining and prohibiting unfair sales practices, with a view to preventing the advertising or offering for sale or the selling, below cost, of merchandise for the purpose of injuring competitors or destroying competition, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted.

The question being on the resolution offered by the committee that it is inexpedient to legislate.

Mr. Maley of Newport moved to substitute the words "ought to pass" for the words "inexpedient to legislate."

The question being on the motion to substitute.

(Discussion ensued)

Mr. Lichman of Keene spoke for the motion.

Messrs. Estler of Claremont and Clark of Salisbury spoke against the motion.

Mr. Elkins of Concord moved the previous question. The question being,

Shall the main question now be put?

On a *viva voce* vote the previous question was ordered.

The question being on the motion to substitute the words "ought to pass" for the words "inexpedient to legislate."

On a *viva voce* vote the motion to substitute did not prevail.

The question being on the resolution of the committee that the bill is inexpedient to legislate.

On a *viva voce* vote the resolution of the committee was adopted.

### Message from the Senate

A message from the Honorable Senate by its Clerk announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bill sent up from the House of Representatives:

House Bill No. 83, An act relating to fur-bearing animals.

The message further announced that the Senate refused to concur with the House of Representatives in the passage of the following entitled bills sent up from the House of Representatives:

House Bill No. 256, An act relating to bait and fly fishing in Ledge pond in Madison.

House Bill No. 316, An act regulating the taxation of timber blown down by the hurricane of September 21, 1938.

The message also announced that the Senate concurred with the House of Representatives in the passage of the following entitled bill, with amendments, in the passage of which amendments the Senate asked the concurrence of the House of Representatives:

House Bill No. 148, An act relating to Building and Loan Associations.

Amend section 9 of said bill by striking out said section and inserting in place thereof the following:

9. *Withdrawal of Shares.* Amend said chapter 266 by inserting after section 17 the following new section: 17-a. *Limitation.* For shares issued after July 1, 1939, corporations may by by-law provide that when the aggregate of calls for withdrawal exceeds the funds available the directors may limit the amount to be paid each month to each withdrawing shareholder

provided that said limitation shall not apply to calls for withdrawals of amounts of one hundred dollars or less to a shareholder, and further provided the amount to be paid on calls for over one hundred dollars shall in no event be limited to less than one hundred dollars each month.

Amend section 10 of said bill by striking out said section and inserting in place thereof the following:

10. *Investment of Excess Funds.* Amend section 14-c of said chapter 266 as inserted by section 3, chapter 106, Laws of 1937, by inserting after paragraph II the following new paragraphs: III. In the shares of any other building and loan association, savings and loan association or co-operative bank doing business in this state provided that the limitation imposed by section 22 shall apply to investments hereunder and no association shall sell shares to another corporation, nor permit the transfer of shares, in excess of said limitation. IV. In notes secured by mortgage which the federal housing administrator has insured, or made commitment to insure, if the laws of the United States entitled the mortgagee to receive payment of such insurance in cash or in debentures fully guaranteed as to principal and interest by the United States.

Amend section 13 of said bill by striking out said section and inserting in place thereof the following:

13. *Consolidation of Corporations.* Amend chapter 266 of the Public Laws by inserting after section 25-a, as inserted by section 6, chapter 106, Laws of 1937, the following new section. 26. *Procedure.* Any building and loan association incorporated under the laws of this state, or the holders of a majority of the stock thereof, and any co-operative bank, incorporated under the laws of this state, or the holders of a

majority of the stock thereof, or any other building and loan association incorporated under the laws of this state, or the holders of a majority of the stock thereof, may apply by petition to the superior court for a decree authorizing a union of said building and loan association with said co-operative bank or other building and loan association and a dissolution of said first named building and loan association in the manner as provided by chapter 263 of the Public Laws, as amended by chapter 27 of the Laws of 1933.

The reading of the amendments having commenced on motion of Mr. Emerson of Milford, the further reading of the amendments were dispersed with.

On motion of Mr. Emerson of Milford the House concurred in the amendments sent down from the Honorable Senate.

The bill was then sent to the Secretary of State to be engrossed.

### Report

Pursuant to the resolution adopted by the House on January 12, the following communication was received from the New Hampshire State Planning and Development Commission:

March 30, 1939.

HON. ANSEL N. SANBORN, *Speaker*,

*New Hampshire House of Representatives,  
Concord, New Hampshire.*

*Dear Mr. Speaker:*

As requested in a House Resolution of January 12, 1939, the State Planning and Development Commission has been pleased to make a study of the advisability and possibility of holding the 1944 Olympic Winter Games in New Hampshire. In making this study,

the commission has been assisted by its Advisory Committee on Winter Sports.

We are transmitting herewith the unanimous report of the Advisory Committee, which the commission has accepted and which we are transmitting as the commission's report.

We should like to point out that the conclusions reached in this report, although they are unfavorable to applying for the Olympic Winter Games at this time, should not prejudice a similar study at some future time.

Respectfully submitted,

JAMES M. LANGLEY,  
*Chairman.*

March 30, 1939.

MR. JAMES M. LANGLEY, *Chairman,*

*State Planning and Development Commission,  
Concord, New Hampshire.*

*Dear Mr. Langley:*

On January 12, 1939 the New Hampshire House of Representatives passed the following resolution:

*"Resolved, That the State Planning and Development Commission be requested to consider the advisability and possibility of holding the Olympic Games Winter Sports in this state in 1944 and present their recommendations to this legislature not later than April 2, 1939."*

Pursuant to this resolution, the Commission's Advisory Committee on Winter Sports has made an extensive study of the question. Information has been obtained from a number of qualified persons, from the official reports of previous Olympic Winter Games, and from the official report of preparations made for hold-

ing the Olympic Winter Games in Japan. Three meetings of the Advisory Committee have been held.

Conclusions have been reached unanimously, as follows:

1. The cost of holding the 1944 Olympic Winter Games in New Hampshire would be, in our opinion, greater than the economic benefits to be derived from holding them. In addition, unexpected costs or reductions in revenue may result from "unprecedented" weather conditions (which have been the ill fortune of most of the Olympic Winter Games to date) or from the cancellation or relinquishment of the games because of unfavorable world-wide conditions.
2. The dropping of skiing from the official Olympic competitions makes the Olympic Winter Games relatively unattractive to New Hampshire, in our opinion, because skiing is New Hampshire's leading winter sport.
3. The 1944 Olympic Winter Games are not likely to be awarded to any place in the United States, in the judgment of the best authorities.
4. The capacity of New Hampshire's hotels, cabins, tourist homes, and other lodging places for visitors, in our opinion, would have to be drastically and uneconomically increased, to accommodate olympic competitors, officials, spectators, and others.

The above conclusions have led your Advisory Committee on Winter Sports to the following unanimous decision: *That it would be inadvisable for New Hampshire to apply for the 1944 Olympic Winter Games.*

Various discussions, supporting data, and related material will be found in the following pages.

Respectfully submitted,

JOHN P. CARLETON, *Chairman,*  
*Advisory Committee on Winter Sports.*



On motion of Mr. Ellery of Keene, the Clerk was instructed to procure the usual number of printed copies, in pamphlet form, of the report submitted by the New Hampshire Planning and Development Commission.

### Committee Report

On motion of Mr. Emerson of Milford, the rules were suspended to allow for the presentation of a committee report which had not previously been advertised in the Journal.

Mr. Emerson of Milford, for the Committee on Public Improvements, to whom was referred House Bill No. 369, An act to provide highway funds for construction, reconstruction and maintenance and for the reimbursements of towns for hurricane-flood damage, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 4 of said bill by striking out the same and inserting in place thereof the following:

4. *Town Highways.* In cases of serious damage or destruction during said flood to the highways, bridges and culverts of any town or city, such town or city upon written application to the highway commissioner, shall receive from the state in aid of the necessary construction, repair, relocation and reconstruction of the same or any part thereof and the providing of such temporary highway facilities, as the public convenience requires, such sums of money as may be recommended by the highway commissioner and approved by the governor and council. Said town or city may apply for and receive reimbursement from the state for expenditures heretofore made for such purposes upon like recommendation and approval. In determining the amounts to be approved for payment hereunder to any town or city, the amount of damage to its

highways, bridges and culverts, the reasonable requirements of service to the public, and any aid available from the federal government for such flood damage shall be taken into consideration, and no town or city shall be required to expend therefor upon its own account a sum greater than one-eighth of one per cent of its assessed valuation for the year 1938. Construction, repair, relocation and reconstruction of highways and bridges made by towns and cities from these funds, except in case of reimbursement as hereinbefore provided, shall be under the supervision of the highway commissioner.

The report was accepted.

The reading of the amendment having commenced on motion of Mr. Emerson of Milford, further reading of the amendment was dispensed with.

The amendment was adopted and the bill referred to the Committee on Appropriations under the rules.

#### **Taken from the Table**

On motion of Mr. St. Francois of Nashua House Bill No. 165, An act relating to the construction of sidewalks in the city of Nashua was taken from the table.

The question being on the amendments sent down from the Honorable Senate.

On a *viva voce* vote the House concurred in the amendments sent down by the Honorable Senate.

#### **Recalled from the Governor**

On motion of Mr. Carpenter of Wolfeboro House Bill No. 330, An act to close Diamond pond, otherwise known as Tom pond in the town of Warner, was recalled from the Governor.

On motion of Mr. Carpenter of Wolfeboro the House receded from its position in adopting the Senate amendment to House Bill No. 330, An act to close Dia-

mond pond, otherwise known as Tom pond in the town of Warner.

### Reconsideration

Mr. Duncan of Jaffrey moved that the House reconsider its vote whereby it adopted the amendment sent down by the Honorable Senate to House Bill No. 165, An act relating to the construction of sidewalks in the city of Nashua.

The question being on the motion to reconsider.

(Discussion ensued)

Mr. St. Francois of Nashua spoke against the motion.  
Mr. Marquis of Nashua spoke for the motion.

On a *viva voce* vote the motion to reconsider was adopted.

Mr. Duncan of Jaffrey moved that the House non concur and asked for a Committee of Conference.

On a *viva voce* vote the motion prevailed and the Speaker appointed as members of such a committee on the part of the House Messrs. Atherton, Grand-maison and Underhill of Nashua.

On motion of Mr. Boucher of Somersworth at 12:49 o'clock the House adjourned.

### Afternoon

The House met at 3 o'clock.

### Third Readings

On motion of Mr. Fernald of Dover the rules were suspended and the third readings of bills by their titles made in order.

House Bill No. 46, An act relative to primary petitions and nominations of candidates at the primary elections.

Read a third time.

The question being,

Shall the bill pass?

Mr. Gelinas of Manchester moved that the bill be indefinitely postponed.

The question being on the motion to indefinitely postpone.

(Discussion ensued)

Mr. Gelinas of Manchester spoke for the motion.

On a *viva voce* vote the motion to indefinitely postpone did not prevail.

The question being.

Shall the bill pass?

On a *viva voce* vote the bill passed and was sent to the Senate for concurrence.

House Bill No. 93, An act relating to the open and closed season for taking fish in certain waters.

House Bill No. 156, An act opening Pillsbury Reservation in Washington to all fishing except ice fishing.

House Bill No. 612, An act relating to the duties of the register of probate.

House Bill No. 349, An act relative to the collection of legacy taxes upon certain contingent devices and bequests.

House Bill No. 359, An act relating to the issuance of no par value stock by co-operative marketing associations.

House Bill No. 380, An act relating to brook trout.

Severally read a third time and passed and sent to the Senate for concurrence.

### Joint Convention

Pursuant to the resolution adopted at the morning session His Excellency, the Governor, attended by the Honorable Council and the Honorable Senate then came in and both branches being in joint convention, Honorable H. Styles Bridges, Senior Senator, appeared and addressed the convention.

On motion of Senator Mitchell of District No. 3, the convention rose.

### Resolution

Mrs. Cooper of Nashua offered the following resolution.

*Whereas*, We have learned of the serious illness of our Junior United States Senator and former Governor Charles W. Tobey of Temple, therefore be it

*Resolved*, That the members of this House of Representatives express our sympathy to Senator Tobey with our most sincere wishes for his speedy recovery.

The resolution was unanimously adopted by a rising vote.

On motion of Mr. Wadleigh of Milford at 3:40 o'clock the House adjourned.

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WEDNESDAY, APRIL 5, 1939.

The House met at 11 o'clock.

Prayer was offered by the Chaplain.

### Joint Convention

Both branches being in convention, the Governor, attended by the Honorable Council, appeared and delivered the following address:

### MESSAGE ON FLOOD CONTROL

*Mr. Speaker and Members of the Honorable General Court:*

It is my duty, at this time, to recommend that prompt and definite steps be now taken to solve one of the most serious of all the problems confronting us, namely, the apparent conflict between the laws and policies of the State of New Hampshire and those of the United States Government which have bearing upon pending plans for flood control.

As you all well know, two interstate compacts, one relating to proposed protective undertakings in the Merrimack Valley and the other to corresponding developments in the Connecticut Valley, were ratified by the New Hampshire General Court of 1937, by the Commonwealth of Massachusetts and by the States of Vermont, Massachusetts and Connecticut, respectively.

These formal agreements between the states concerned were drafted in strict accordance with the provisions of the United States Flood Control Act of 1936 providing for comprehensive flood control through cooperation of federal and state governments, and in every technical detail and at every stage of their legislative progress they received the approval of the United States Army Engineers.

They were transmitted to Washington for ratification by the Congress in accordance with constitutional requirement but there after having been accorded final approval by the Secretary of War and after meriting favorable reports in committee, the compacts were firmly set aside by some power higher than any of these and, since then, have never been revived.

Before the Congress of 1938 adjourned, however, it enacted a new flood control law which asserted the right of the federal government to enter into any state and therein to acquire title to such lands as were considered essential to the execution of the flood control program.

Many able persons have long been holding this problem in their thoughts. There are some who have felt that a constitutional question of fundamental importance was involved, inasmuch as there exists among the statutes of our state a law establishing a Land Use Board and specifying that, save in the cases of sites for post offices, custom houses and similar buildings, consent to the acquisition of land in New



Hampshire by the United States Government shall be granted within certain limitations and then only following public hearings and voting on the question in the towns involved; and finally upon receiving the approval of the Governor and Council.

On the other hand, there are those who have all along been in complete accord with the federal position.

I have earnestly searched my own mind and have painstakingly sought good counsel both from private and public sources in New Hampshire and other states and in Washington.

It is my positive opinion, based upon those advices, that the United States Government in the exercise of its national sovereign power undoubtedly has right under the constitution and under existing federal and state laws to acquire, without consent of the state, whatever lands it may need for flood control purposes.

The national government has taken the position, however, that since these undertakings are for the welfare of the people of the state, it will not initiate them against their wishes but only provided the Legislature grants exclusive federal control over the lands in question, subject to concurrent jurisdiction on the part of the state for the service of criminal and civil processes.

I declare to you today, as I have so often in my public addresses, that I yield to no man in my affectionate regard for my state and its people and in my zeal for everything that pertains to their best interests.

As citizens of a proud state, we have always been jealous of our sovereign rights. The record of the long past shows that while the people of New Hampshire approved the ceding to the central authority, under our democratic federal system of government,

of certain broad powers affecting the generality of the states, they have always been vigilant to maintain unchanged the things which are definitely subject to federal regulation and which to state regulation.

Supreme among the attributes of sovereignty is the political power of the state to control its own lands and to enforce criminal and civil laws therein. That power is not ours to revoke even did we have the desire to do so and we do not propose to surrender it even to the Government of the United States.

However, we cannot blind our eyes to the fact that no major question of flood control can be answered without the co-operation of one or more other states. Since the great rivers of New Hampshire flow through other commonwealths on their way to the sea, and since flood conditions which arise in our state are borne on to other states and there magnified many fold, the control of the waters of our streams is an undertaking which clearly is interstate in character and whose costs logically should be assessed upon the nation as a whole.

I have exerted every ounce of my strength in seeking to maintain these fundamental rights unweakened, and to protect the sovereignty and the natural resources of the state.

At the same time, I have been unable to overlook the absolute necessity of acting to protect the lives, health and property of our citizens, to conserve our water, our forests and our lands, and to insure the future economic safety of our state.

Advantage has been taken of every possible resource. I have on numerous occasions personally contacted officials of the federal government who apparently had charge of flood control policies and have, without success, sent the Assistant Attorney General, the chairman of the Water Resources Board and the

chairman of the Land Use Board to Washington for conferences with the Secretary of War and others.

I have myself devoted to this problem several months of intensive effort, using every proper means to further the state's wish to retain control over the proposed flood control dams. In the course of these efforts, I have been aggressive, even militant at times; as well as conciliatory.

The difficulty and the cause for the delay has been the impossibility of finding an agency or a representative of the federal government possessing authority to conduct definite negotiations.

With the interstate compacts definitely beyond reviving, especially because of the contemplated action of the Commonwealth of Massachusetts granting unconditional consent to land acquisitions by the federal government, the flood control picture has greatly changed during these last two years and I am convinced that the state of New Hampshire is no longer in a position to solve this problem alone.

Accordingly, I have directed the drafting of proposed legislation granting consent which I have every reason to believe will be acceptable to the national government.

It is the product of a very great deal of conferring and study among state and federal officials and has taken much time to arrive at its present stage.

In my considered opinion, it embodies the maximum restrictions that the federal government will accept. Therefore, I earnestly counsel you not to change its provisions or its wording, for such action, I am sure, will only cause further delay in settling the problem of flood control.

This bill, which I shall place in the hands of the speaker, specifically grants consent to federal acquisitions of land in connection with flood control projects at

- (A) Bethlehem Junction Reservoir on the Ammonoosic River;
- (B) Stocker Pond Reservoir on the Stocker Brook;
- (C) Surry Mountain Reservoir on the Ashuelot River;
- (D) Blackwater Reservoir on the Blackwater River;
- (E) Franklin Falls Reservoir on the Pemigewasset River, and
- (F) Milford Reservoir on the Souhegan River.

In addition, the act would place in the hands of the Governor and Council or an agency designated by them the authority to authorize such future projects for flood control as will benefit the state and will not infringe upon its basic rights.

Thus, of the six projects comprising the original federal flood control proposal in New Hampshire, the state by the enactment of this proposed law would approve three.

It would further authorize the construction of three others, but approval has not been extended to projects at

- (A) Riverhill Reservoir on the Contoocook River;
- (B) Allenstown Reservoir on the Suncook River, and
- (C) Claremont Reservoir on the Sugar River.

With the bill, I shall also deliver to you the report of the majority of the flood control commission created by Senate Joint Resolution No. 1, as well as individual minority reports filed with me by two members of that commission.

After all its troubled wanderings around New England and its many journeys to Washington and back

to New Hampshire, flood control returns once more into the only hands which have power to act upon it.

As Governor, I can only administer the laws and the policies which you establish. There is no board, commission, or conference group that can help in the slightest degree. The general court only has complete power.

Since time is of the essence of this problem, I urge you to give this matter your prompt attention, arranging without delay for public hearings on the proposed bill and endeavoring by every proper parliamentary means to hasten it to final decision.

By the enactment of this bill, we shall, at federal expense, have met the urgent demands of our own people who in the floods of 1927 and 1936 suffered damages exceeding twenty millions of dollars, and, to the utmost degree consistent with sovereignty, we shall have met our humane and friendly obligations to our sister states and to the national union.

Mr. Speaker, this has been a heavy responsibility for me, and I know it is for this General Court, but neither persecution nor adverse opinion have served to turn me from the clear path of duty, as the Lord gave me light to see it, in acting for the best interests of the people of this state.

On motion of Senator Brouillette of District No. 19 the convention rose.

On motion of Mr. Osborne of Sunapee the Clerk was instructed to procure the usual number of printed copies, in pamphlet form, of the Governor's message on flood control and the report of the Flood Control Commission.

### Leaves of Absence

Messrs. Fransoso of Portsmouth and Gelinat of Manchester were granted leave of absence for the day on account of important business.

Mr. Babcock of Claremont was granted leave of absence for the day on account of illness.

Mr. Head of Manchester was granted leave of absence for the day on account of illness in family.

Messrs. Dean and Craig of Haverhill were granted leave of absence for Thursday on account of town business.

Mr. Smart of Durham was granted leave of absence for Wednesday, Thursday, and Tuesday on account of important business.

Mr. Soucy of Manchester was granted leave of absence for April on account of jury duty.

### Committee Reports

Mrs. Batchelder of Hanover, for the Committee on Engrossed Bills, reported that the committee had examined and found correctly engrossed the following entitled bills:

House Bill No. 44, An act relating to the open season for taking pickerel from Umbagog lake and Leonard pond.

House Bill No. 66, An act relating to landlord and tenant.

House Bill No. 146, An act relating to the registration of registered nurses.

House Bill No. 254, An act relating to pedestrians.

House Bill No. 332, An act relating to the Fraternal Order of Eagles of Manchester, N. H.

The report was accepted.

Mr. Carpenter of Wolfeboro, for the Committee on Fisheries and Game, to whom was referred House Bill No. 383, An act closing Cummings pond in Lyme to ice fishing, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.



Mr. Merrow of Ossipee, for the Committee on Ways and Means, to whom was referred House Bill No. 13, An act establishing a commission to raise additional revenue for the state and the cities and towns thereof, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Merrow of Ossipee, for the Committee on Ways and Means, to whom was referred House Bill No. 6, An act relating to the legalizing of the game of bingo or beano, so-called, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Normandin of Laconia, for the Committee on Judiciary, to whom was referred House Bill No. 320, An act providing for the acquisition by eminent domain of land or rights therein for lumbering purposes, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Normandin of Laconia, for the Committee on Judiciary, to whom was referred House Bill No. 317, An act authorizing entry on privately owned land for fire prevention work, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Normandin of Laconia, for the Committee on Judiciary, to whom was referred House Bill No. 214, An act authorizing village districts to organize for

recreational promotion, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Carpenter of Wolfeboro for the Committee on Fisheries and Game to whom was referred House Bill No. 385, An act relating to certain waters in Carroll County, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Hutchins of Claremont for the Committee on Public Health to whom was referred House Bill No. 343, An act relative to the powers of the state board of health, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Hutchins of Claremont for the Committee on Public Health to whom was referred Senate Bill No. 25, An act relating to mortuary regulations, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Rollins of Alton for the Special Committee consisting of Belknap County Delegation to whom was referred House Bill No. 115, An act relating to election of county officers, reported the same with the following amendments, and the recommendation that the bill as amended ought to pass.

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1. *County Commissioners for Belknap County.* Amend section 1, chapter 36 of the Public Laws, as amended by chapter 166, Laws of 1933, by inserting

after the words "Strafford county" in the ninth line the words, the county commissioners of Belknap county, so that said section as amended shall read as follows: 1. *Election; Term.* There shall be chosen at each biennial election, by ballot, by the inhabitants of the several towns in each county qualified to vote for state senators, a sheriff, a county solicitor, a county treasurer, a register of deeds, a register of probate and three county commissioners, each of whom shall take office on April first next succeeding his election, and shall hold the same for two years and until his successor is chosen and qualified, except that all said county officers of Strafford county, the county commissioners of Belknap county and the solicitors of Merrimack and Coos counties shall take office on January first next succeeding their election.

Amend said bill by inserting after section 1 the following new section:

2. *Present Commissioners for Belknap County.* The present county commissioners for Belknap county shall hold their respective offices for the term until January first, 1941, and until their successors are chosen and qualified.

Amend section 2 of said bill by renumbering to read section 3.

The report was accepted, the amendments adopted, and the bill ordered to a third reading.

Mr. Hutchins of Claremont for the Committee on Public Health to whom was referred House Bill No. 177, An act relating to plumbing and the licensing of plumbers, having considered the same, reported the same in new draft with the recommendation that the bill in its new draft be recommitted to the Committee on Public Health.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and re-committed to the Committee on Public Health.

Mrs. Batchelder of Hanover for the Committee on Engrossed Bills, to whom was referred House Bill No. 148, An act relating to building and loan associations, reported the same under Joint Rule No. 6, with the following amendment and recommended that the bill as amended ought to pass.

Amend the title of said bill by striking out the same and inserting in place thereof the following:

An act relating to building and loan associations, legal investments of guardians and trustees of town trust funds.

Amend section 3 of said bill by striking out the first three lines and inserting in place thereof the following:

3. *Share Certificates.* Amend section 13 of said chapter 266 as amended by chapter 26, Laws of 1933, by inserting after the word "paid up" in the third line the word, share, so that said section as amended shall read as follows:

Amend section 4 of said bill by striking out said section.

Amend section 5 of said bill by renumbering and striking out the first line and inserting in place thereof the following:

4. *Paid up Share Certificates.* Amend section 21 of said chapter 266 by inserting the word share after the words

Amend section 6 of said bill by renumbering to read section 5, and by striking out the first line and inserting in place thereof the following:

5. *Amendment.* Amend section 23 of said chapter 266 by inserting the word, share, before the word

Amend section 7 of said bill by renumbering to read section 6, and by striking out the first line and inserting in place thereof the following:

6. *Amendment.* Amend section 24 of said chapter 266 by inserting the word, share, after the words

Amend section 8 of said bill by renumbering to read section 7, and by striking out the first three lines and inserting in place thereof the following:

7. *Investment Share Certificates.* Amend section 25 of said chapter 266, as amended by section 2 of chapter 82 of the Laws of 1935 and by section 5, chapter 106, Laws of 1937, by inserting before the word "certificates" where it occurs in the seventh and ninth lines the word, share, so that said section as amended shall read as follows:

Amend section 9 of said bill by renumbering to read section 8.

Amend section 10 of said bill by renumbering to read section 9.

Amend section 11 of said bill by renumbering to read section 10 and by striking out the first two lines and inserting in place thereof the following:

10. *Investment by Guardians.* Amend paragraph II of section 22 of chapter 290 of the Public Laws, as amended by chapter 71, Laws of 1931, and chapter 8, Laws of 1937, by adding at the end

Amend section 12 of said bill by renumbering to read section 11.

Amend sections 13, 14, 15, 16 and 17 by renumbering to read respectively sections 12, 13, 14, 15 and 16.

On motion of Mr. Emerson of Milford the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Senate for concurrence.

Mrs. Batchelder of Hanover for the Committee on Engrossed Bills, to whom was referred House Bill No. 186, An act relating to school busses, reported the same, under Joint Rule No. 6, with the following

amendment and recommended that the bill as amended ought to pass.

Amend section 1 of said bill by striking out the words "motor vehicle" in the seventh line and inserting in place thereof the words school bus.

On motion of Mr. Osborne of Sunapee the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Senate for concurrence.

### Message from the Senate

A message from the Honorable Senate by its Clerk announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bills, sent up from the House of Representatives:

House Bill No. 167, An act to close Zealand river and certain of its tributaries to fishing.

House Bill No. 219, An act closing certain waters in the towns of Cambridge and Errol to fishing.

House Bill No. 248, An act relating to fishing in Big brook, Pittsburg.

The message further announced that the Senate had voted to adopt the amendments offered by the Committee on Engrossed Bills, to the following house bills, in the adoption of which amendments the Senate asked the concurrence of the House of Representatives:

House Bill No. 162, An act to close Lake Katherine in the town of Piermont to all fishing.

Amend section 1 of said bill by striking out the first five lines and inserting in place thereof the following:

1. *Lake Katherine.* Amend section 7 of chapter 155 of the Laws of 1935, as inserted by section 4, chapter 96, Laws of 1937, by inserting after paragraph XII, as inserted by chapter 35, Laws of 1939, the following new paragraph: XIII.



On motion of Mr. Dreghorn of Warren the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 249, An act to close Inlet brook tributary to Back lake in Pittsburg.

Amend section 1 of said bill by striking out the first three lines and inserting in place thereof the following:

1. *Closed to All Fishing.* Amend paragraph I, section 7, chapter 155, Laws of 1935, as inserted by section 4, chapter 96, Laws of 1937, by adding at the end thereof the following:

On motion of Mr. Converse of Pittsburg the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

The message further announced that the Senate had concurred with the House of Representatives in the passage of the following entitled bill, with amendments, in the passage of which amendments the Senate asked the concurrence of the House of Representatives:

House Bill No. 203, An act relating to the taking of raccoon.

Amend section 1 of said bill by striking out said section and inserting in place thereof the following:

1. *Method of Taking.* Amend section 3, chapter 200, Public Laws, as inserted by section 4, chapter 124, Laws of 1935, and as amended by chapter 132, Laws of 1937, by striking out said section and inserting in place thereof the following: 3. *Raccoons.* Raccoons may be taken and possessed with the aid of and by the use of a dog and gun from October first to

December first. No person shall take more than three raccoons from twelve noon of one day to twelve noon the following day, nor more than ten raccoons in one season. No person shall hunt raccoons at night by the use of a rifle, revolver or pistol larger than twenty-two calibre long, or by the use of shotgun shell carrying shot larger than number four and no person shall hunt raccoons at night by the use of any light except a kerosene lantern, a gasoline lantern or a flashlight with seven cells or less.

The question being on the amendment sent down by the Honorable Senate.

(Discussion ensued)

Mr. Shaw of Franklin spoke against the amendment.

Mr. Palmer of Plaistow moved that the House non concur and asked for a Committee of Conference.

The question being on the motion to non concur.

(Discussion ensued)

Mr. Dempsey of Franklin spoke against the motion.

Mr. Palmer of Plaistow spoke for the motion.

On a *viva voce* vote the motion to non concur was adopted and the Speaker appointed as members on such committee, Messrs. Converse of Pittsburg, Rowden of Northumberland and Dempsey of Franklin.

The message also announced that the Senate had passed a bill with the following title, in the passage of which it asked the concurrence of the House of Representatives:

Senate Bill No. 48, An act relative to taking lake trout and pickerel from Stinson lake.

#### **Senate Bill Read and Referred**

Senate Bill No. 48, An act relative to taking lake trout and pickerel from Stinson lake.

Read a first and second time and referred to the Committee on Fisheries and Game.

### Recess

### After Recess

On motion of Mr. Boynton of Hillsboro the rules were suspended to allow for the presentation of a committee which had not previously been advertised in the Journal.

Mr. Baker of Concord for Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 389, An act consenting to the acquisition of land by the United States for flood control and navigation purposes, with the recommendation that the bill be referred to the Committee on Judiciary.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Judiciary.

### Personal Privilege

Mrs. Griswold of Nashua rose to a point of personal privilege and stated that she did not understand the parliamentary question on House Bill No. 46, An act relative to primary petitions and nomination of candidates at the primary election and asked to change her vote from Yes to No.

On motion of Miss Hanson of Gilsum at 12:15 o'clock the House adjourned.

### Afternoon

The House met at 3 o'clock.

On motion of Mr. Fernald of Dover the rules were suspended and the third readings of bills by their titles were in order.

### Third Readings

House Bill No. 115, An act relating to election of county officers.

House Bill No. 214, An act authorizing village districts to organize for recreational promotion.

House Bill No. 343, An act relative to the powers of the State Board of Health.

House Bill No. 385, An act relating to certain waters in Carroll County.

Severally read a third time and passed and sent to the Senate for concurrence.

Senate Bill No. 25, An act relating to mortuary regulations.

Read a third time and passed and sent to the Secretary of State to be engrossed.

On motion of Mr. Hamilton of Lisbon at 3:05 o'clock the House adjourned.

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THURSDAY, APRIL 6, 1939.

The House met at 11 o'clock.

Prayer was offered by Rev. Mr. Foote of Wilmot Center.

### Leaves of Absence

Messrs. Fransoso of Portsmouth, Smith of Berlin, Ward 2, and Hoyt of Newington were granted leaves of absence for the day on account of important business.

Mr. Hepworth of Derry was granted leave of absence for the day on account of town business.

The Agricultural Committee was granted leave of absence for the day on account of visiting the University of New Hampshire.

### Resolution

On motion of Mr. Callahan of Keene,

*Resolved*, That when the House adjourns this morning it adjourns to meet Saturday morning, 10 o'clock, and that when it then adjourns it adjourn to meet Tuesday morning, 11 o'clock.

### Committee Reports

Mrs. Batchelder of Hanover for the Committee on Engrossed Bills, reported that the committee had examined and found correctly engrossed the following entitled bills:

Senate Bill No. 32, An act relative to the attachment of number plates on motor vehicles.

Senate Bill No. 34, An act relative to reports to be made by courts to the motor vehicle department.

Senate Bill No. 36, An act relative to the registration fee of non-resident circus motor vehicles.

House Bill No. 112, An act relating to the stimulation of race horses.

House Bill No. 148, An act relating to building and loan associations, legal investments of guardians and trustees of town trust funds.

House Bill No. 162, An act to close Lake Katherine in the town of Piermont to all fishing.

House Bill No. 186, An act relating to school busses.

House Bill No. 249, An act to close New Inlet brook, tributary to Back lake, Pittsburg, to fishing.

House Bill No. 325, An act relating to interstate authority for the Portsmouth-Kittery bridge and approaches thereto.

The report was accepted.

Mr. Batchelder of Northfield for the Committee on Claims, to whom was referred House Joint Resolution No. 70, Joint resolution in favor of Arthur J. Dufour

of Claremont, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Normandin of Laconia for the Committee on Judiciary, to whom was referred House Bill No. 239, An act relating to sidewalks in compact parts of cities, towns or places along state highways or trunk lines, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Normandin of Laconia for the Committee on Judiciary, to whom was referred House Bill No. 318, An act regulating fires in times of woodland bans, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Barnard of Manchester for the Committee on Revision of the Statutes, to whom was referred House Bill No. 297, An act relating to ballots used in elections, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Barnard of Manchester for the Committee on Revision of the Statutes, to whom was referred House Bill No. 53, An act to impound the ballots cast at the state and county biennial elections with the Secretary of State, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.



Mr. Normandin of Laconia for the Committee on Judiciary, to whom was referred House Bill No. 363, An act prohibiting trespass on the White Mountain National Forest in times of fire hazard, reported the same with the recommendation that the bill ought to pass

The report was accepted and the bill ordered to a third reading.

Mr. Barnard of Manchester, for the Committee on Revision of Statutes, to whom was referred Senate Bill No. 44, An act relative to the inspection of motor vehicles, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Barnard of Manchester, for the Committee on Revision of Statutes, to whom was referred House Bill No. 377, An act relative to appropriations for town advertising, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Barnard of Manchester, for the Committee on Revision of Statutes, to whom was referred House Bill No. 378, An act relative to town appropriations for recreational purposes, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Boynton of Hillsboro, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 390, An act to provide a bond issue for the eradication of bovine tuberculosis and bangs disease, with the recommendation that the bill be referred to the Committee on Agriculture.

The report was accepted, the bill read a first and second time, laid upon the table to be printed, and referred to the Committee on Agriculture.

Mr. Hunter of Hanover, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 391, An act relating to the town of Rye, with the recommendation that the bill be referred to the Committee on Judiciary.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Judiciary.

Mr. Osborne of Sunapee, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 392, An act authorizing agricultural cooperative associations to generate, transmit and distribute electric energy and to conduct other services in connection therewith with the recommendation that the bill be referred to the Committee on Judiciary.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Judiciary.

Mr. Hunter of Hanover, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 393, An act providing for the reconstruction of a toll bridge at Hampton Harbor with the recommendation that the bill be referred to the Committee on Coastwise Improvements.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Coastwise Improvements.

### Order Vacated

On motion of Mr. Emerson of Milford the order whereby House Bill No. 393, An act providing for the

reconstruction of a toll bridge at Hampton Harbor was referred to the Committee on Coastwise Improvements, be vacated and the bill referred to the Committee on Public Improvements.

Mr. Etsler of Claremont, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 394, An act authorizing the Plymouth Village Fire District to issue notes or bonds with the recommendation that the bill be referred to the Committee on Judiciary.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Judiciary.

Mr. Osborne of Sunapee, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 395, An act relative to the adoption of minors, with the recommendation that the bill be referred to the Committee on Judiciary.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Judiciary.

Mr. Boynton of Hillsboro, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 396, An act relating to the taking of lake trout in Massabesic lake, with the recommendation that the bill be referred to the Committee on Fisheries and Game.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Fisheries and Game.

Mr. Etsler of Claremont, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 397, An act relating to the taking of fish in certain streams in Jackson and vicinity, with the recommendation that the bill be referred to the Committee on Fisheries and Game.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Fisheries and Game.

Mr. Hunter of Hanover for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 398, An act to eliminate the direct state tax on real property by means of a tax on tobacco products, with the recommendation that the bill be referred to the Committee on Ways and Means.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Ways and Means.

On motion of Mr. Boynton of Hillsboro the rules were suspended to allow for the presentation of a committee report which had not previously been advertised in the Journal.

Mr. Boynton of Hillsboro for the Committee on Appropriations, to whom was referred House Bill No. 372, An act providing for a fiscal agent for the county of Coos, reported the same with the recommendation that the order whereby the bill was referred to the Committee on Appropriations be vacated as the bill contains no appropriation of state funds.

The report was accepted.

On motion of Mr. Hinman of Stratford the rules were suspended and the bill referred to a special committee consisting of the Delegation from the county of Coos.

### Message from the Senate

A message from the Honorable Senate by its Clerk announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bills, sent up from the House of Representatives:

House Bill No. 68, An act relative to exceptions to the law regarding one day rest in seven.

House Bill No. 179, An act establishing county commissioner districts in the county of Cheshire.

House Bill No. 330, An act to close Diamond pond, otherwise known as Tom pond in the town of Warner.

The message further announced that the Senate had voted to concur with the House of Representatives in its adoption of the amendments offered by the Committee on Engrossed Bills to the following entitled bills:

House Bill No. 148, An act relating to Building and Loan Associations.

House Bill No. 186, An act relating to school busses.

The message further announced that the Senate concurred with the House of Representatives in the passage of the following entitled bills, with amendments, in the passage of which amendments the Senate asked the concurrence of the House of Representatives:

House Bill No. 82, An act making sundry changes in the sale of securities law.

Amend the bill by striking out all after the enacting clause and substituting therefor the following:

1. Amend section 5 of chapter 284 of the Public Laws, as amended by section 3 of chapter 35 of the Laws of 1937, by striking out the whole of said section and inserting in place thereof the following: 5. *Status as Dealers in Securities.* Such corporation and its officers, agents and employees so licensed shall be regarded as dealers in securities under the provisions of this chapter. Such licensees shall furnish to the commissioner, upon a form to be furnished by him, under the oath of such responsible officer of the corporation as the commissioner may require, an annual financial statement, and whenever requested by



the commissioner shall furnish such additional and other statements under such oath, concerning the assets, liabilities, and other financial matters of the corporation as he may require.

2. Amend section 8-a of chapter 284 of the Public Laws as inserted by section 4 of chapter 35 of the Laws of 1937, by striking out said section and inserting in place thereof the following: 8-a. *Information and Financial Statements*. The commissioner may examine or cause to be examined at the expense of the applicant or dealer the affairs and condition of a registered dealer in securities or an applicant who desires to become registered as such dealer. An applicant shall furnish in addition to the information required in the application such other documentary evidence of condition and responsibility as the commissioner may require, including without limiting the generality of the foregoing, authentic copies of articles of incorporation, partnership agreements, by-laws, balance sheets and earning statements. Every licensed dealer in securities shall furnish under the oath of such responsible member or members of the dealers' organization as the commissioner may require an annual statement exhibiting with reasonable detail the assets, liabilities, and other financial matters of the dealer, upon a form to be furnished by the commissioner, and whenever requested by the commissioner shall furnish such additional and other statements under such oath concerning the business of the dealer as he may require.

3. Amend section 11 of chapter 284 of the Public Laws as amended by section 5 of chapter 35 of the Laws of 1937, by striking out said section and inserting in the place thereof the following: 11. *Period of Time for Investigation*. The application filed with the



commissioner for registration as a dealer may be held for investigation for a period of four weeks from the date when the application reaches the commissioner.

4. Section 13 of chapter 284 of the Public Laws as amended by section 7 of chapter 35 of the Laws of 1937 is hereby repealed.

5. Amend section 28-a of chapter 284 of the Public Laws, as inserted by section 10 of chapter 35 of the Laws of 1937, by striking out the whole thereof and inserting in place thereof the following: 28-a. *Qualification of Securities.* No registered dealer or his salesmen or agents shall sell or offer for sale securities, except those legal for investments for savings banks in this state and except such other securities as may be designated under such rules and regulations as the commissioner may prescribe, unless such sale has been approved by the commissioner. A dealer desiring to qualify such securities shall submit to the commissioner such descriptive, statistical or documentary information as he may require. The Commissioner shall within five days after such information is submitted approve or disapprove the sale of such securities and so notify the dealer. The commissioner may prescribe rules and regulations to carry out the purposes hereof.

6. This act shall take effect upon its passage.

The reading of the amendment having commenced on motion of Mr. Tilton, Ward 4, Laconia, further reading was dispensed with.

On motion of Mr. Tilton of Ward 4, Laconia, the House concurred in the adoption of the amendments sent down from the Honorable Senate.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 139, An act relative to the payment of poll taxes.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *Payment of Poll Taxes Required.* No resident of New Hampshire shall be entitled to receive a permit to register a motor vehicle, a license to operate a motor vehicle, or a license to hunt or fish within this state, until he shall furnish evidence, as provided in section 2, that he has paid his poll tax in the town where he resides for the tax year preceding the date of his application for such permit or license, or that he has been excused from such payment by the taxing authority of the town where he resides.

2. *Receipt or Sworn Statement.* Any applicant for permit to register a motor vehicle, for a license to operate a motor vehicle or for a license to hunt or fish shall, before he receives such permit or license, furnish to the issuing officer the receipt of the tax collector of the town where he resides showing that he has paid his poll tax in said town for the tax year, preceding the date of such application, or make oath that he has paid said tax or that he has been excused from such payment.

3. *Definition.* A person shall be considered to have been excused from paying a poll tax if it shall have been abated by the taxing authority, or if he is exempt from such tax, or if he shall obtain from the selectmen of a town or the assessors of a city a statement that in their opinion he should be granted such permit or license even though such tax may not have been paid.

4. *False Statement; Penalty.* Whoever makes a false statement relative to payment of a poll tax as

provided for herein shall be fined twenty-five dollars and the making of such false statement shall be cause for the revocation of such permit or license for a period not exceeding three months. The court shall not have authority to suspend the fine provided for in this section.

5. *Disposition of Fines.* All fines collected under the provisions of this act against any violator prosecuted by employees of, or on behalf of, the motor vehicle department or the fish and game department shall be for the use of the department making the prosecution and the court or justice of any court in which a complaint for a violation hereof is prosecuted by or on behalf of said departments shall, within thirty days after any fine is paid remit the amount thereof to the respective department.

6. *Repeal.* Chapter 132 of the Laws of 1933, relative to payment of poll taxes, is hereby repealed.

7. *Takes Effect.* This act shall take effect upon its passage.

The question being on the amendment.

Mr. Etsler of Claremont moved that the House non concur and asked for a Committee of Conference.

On a *viva voce* vote the motion was adopted and the Speaker appointed as members on such committee, Messrs. Etsler of Claremont, Hamilton of Lisbon and Osborne of Sunapee.

The message also announced that the Senate had passed bills with the following titles, in the passage of which it asked the concurrence of the House of Representatives:

Senate Bill No. 5, An act relative to conduct of candidates at primaries and elections and notification of candidates by the Secretary of State.

Senate Bill No. 42, An act relative to operation of motor tractors by unlicensed operators.

### Senate Bills Read and Referred

Senate Bill No. 5, An act relative to conduct of candidates at primaries and election and notification of candidates by the Secretary of State.

Read a first and second time and referred to the Committee on Judiciary.

Senate Bill No. 42, An act relative to operation of motor tractors by unlicensed operators.

Read a first and second time and referred to the Committee on Revision of the Statutes.

On motion of Mr. Emerson of Milford business in order at 3 o'clock was made in order at the present time.

### Third Readings

On motion of Mr. Emerson of Milford the rules were suspended and the third readings of bills by their titles made in order.

House Bill No. 363, An act prohibiting trespass on the White Mountain National Forest in times of fire hazard.

House Bill No. 377, An act relative to appropriation for town advertising.

House Bill No. 378, An act relative to town appropriation for recreational purposes.

Severally read a third time and passed and sent to the Senate for concurrence.

Senate Bill No. 44, An act relative to the inspection of motor vehicles.

Read a third time and passed and sent to the Secretary of State to be engrossed.

On motion of Mr. Reinhart of Portsmouth at 12:02 o'clock the House adjourned.

SATURDAY, APRIL 8, 1939.

The House met at 10:00 o'clock.

The following letter was read by the Clerk:

Saturday, April 8, 1939.

Mr. George H. Nash,  
Concord, N. H.

DEAR SIR:

I shall be unable to attend the session on Saturday morning. Will you kindly preside for me and oblige.

Yours respectfully,

ANSEL N. SANBORN,  
*Speaker.*

There being no quorum present at 10:01 o'clock the House adjourned.

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TUESDAY, APRIL 11, 1939.

The House met according to adjournment.

Prayer was offered by the Chaplain.

#### Leaves of Absence

Mr. Tuttle of Hancock was granted leave of absence until further notice on account of illness.

Mr. Ellery of Keene was granted leave of absence for the week on account of out of state business.

Mr. O'Brien of Manchester was granted leave of absence for Tuesday and Wednesday on account of death in family.

Mr. Houle of Manchester was granted leave of absence for the week on account of important business.

Mr. Tilton of Ward 4, Laconia, was granted leave of absence for the day on account of important business.

Messrs. Whitcomb of Littleton and Roucher of Laconia were granted leave of absence for the day on account of illness.

Messrs. Ballou of Laconia and Johnson of Manchester were granted leaves of absence for the day on account of attending a funeral.

Messrs. Bailey of Bath, St. Francois of Nashua and Pray of Rochester were granted leaves of absence for the week on account of illness.

The Normal School Committee were granted leaves of absence on Thursday, April 13, because of its regular biennial trip to Keene Normal School on that day.

### Committee Reports

Mrs. Batchelder of Hanover for the Committee on Engrossed Bills, reported that the committee had examined and found correctly engrossed the following entitled bills:

Senate Bill No. 25, An act relating to mortuary regulations.

House Bill No. 68, An act relative to exceptions to the law regarding one day rest in seven.

House Bill No. 179, An act establishing county commissioner districts in the county of Cheshire.

The report was accepted.

Mr. Hinman of Stratford, for the Special Committee consisting of the Delegation from the county of Coos, to whom was referred House Bill No. 372, An act providing for a fiscal agent for the county of Coos, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass:

Amend said bill by striking out section 2 and inserting in place thereof the following new sections:



2. *Inconsistent Laws.* All powers and duties of county commissioners and county treasurer granted and imposed by any other acts or parts of acts which are inconsistent with the provisions of this act are hereby suspended and made inoperative in so far as they apply to the county commissioners and the county treasurer of the county of Coos.

3. *Salary.* The annual salary of said fiscal agent shall be fixed by the governor and council but shall not exceed five thousand dollars per year. Said agent shall also be allowed his necessary traveling expenses when engaged on official business. The salary and expenses of said fiscal agent shall be paid by the county of Coos.

4. *Takes Effect.* This act shall take effect upon its passage and shall remain in effect until April 1, 1941.

The report was accepted.

The question being on the amendment.

(Discussion ensued)

Mr. Laforce of Berlin moved that the bill and the accompanying reports be recommitted to the delegation.

The question being on the motion to recommit.

(Discussion ensued)

Messrs. Hinman of Stratford and Paine of Berlin spoke against the motion.

Messrs. MacIntyre or Whitefield, Laforce and Fortier of Berlin spoke for the motion.

On a *viva voce* vote the motion to recommit did not prevail.

The question being on the amendment offered by the delegation.

Mrs. Christiansen of Berlin offered the following amendment to the amendment:

Amend section 3 by striking out in the third line the words "five thousand" and inserting in place thereof the words, three thousand five hundred, so that the section as amended shall read as follows: 3. *Salary*. The annual salary of said fiscal agent shall be fixed by the governor and council but shall not exceed three thousand five hundred dollars per year. Said agent shall also be allowed his necessary traveling expenses when engaged on official business. The salary and expenses of said fiscal agent shall be paid by the county of Coos.

The question being on the amendment to the amendment.

On a *viva voce* vote the amendment to the amendment was adopted.

The question being on the amendment as amended.

On a *viva voce* vote the amendment as amended was adopted.

Mr. Fortier of Berlin demanded the yeas and nays but subsequently withdrew his demand and asked for a division.

A division being had, the vote was declared manifestly in the affirmative and the amendment as amended was adopted.

The question being, Shall the bill be read a third time?

(Discussion ensued)

Messrs. Duncan of Jaffrey and Sperry of Dover spoke against the motion.

Mrs. Mason of Berlin spoke for the motion.

On a *viva voce* vote the bill was ordered to a third reading.

Mr. Normandin of Berlin, for the Committee on Judiciary, to whom was referred House Bill No. 257,

An act regulating collection agencies, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Normandin of Laconia, for the Committee on Judiciary, to whom was referred House Bill No. 357, An act relating to the powers of the village fire precinct of Wolfeboro, reported the same with the following Resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Carpenter of Wolfeboro, for the Committee on Fisheries and Game, to whom was referred House Bill No. 382, An act relating to trapping, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Barnard of Manchester, for the Committee on Revision of the Statutes, to whom was referred House Bill No. 281, An act relative to recipients of old age assistance, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Normandin of Laconia, for the Committee on Judiciary, to whom was referred House Bill No. 355, An act authorizing the sale of certain property of the state in the town of Barnstead, reported the same with the recommendation that the bill ought to pass.

The report was accepted to the bill ordered to a third reading.

Mr. Carpenter of Wolfeboro, for the Committee on Fisheries and Game, to whom was referred House Bill

No. 384, An act relative to fishing in the tributaries of Sunapee lake, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Sawyer of Woodstock, for the Committee on Appropriations, to whom was referred House Joint Resolution No. 69, Joint Resolution in favor Eastern States Exposition, reported the same with the recommendation that the joint resolution ought to pass.

The report was accepted and the joint resolution ordered to a third reading.

Mr. Callahan of Keene, for the Committee on State Prison, to whom was referred House Bill No. 367, An act relating to parole from the state prison, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill was referred to the Committee on Appropriations under the rules.

Mr. Carpenter of Wolfeboro, for the Committee on Fisheries and Game, to whom was referred House Bill No. 250, An act relating to brook trout, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 by striking out the entire section and inserting in place thereof the following:

1. Amend section 1, chapter 201 of the Public Laws as amended by section 18, chapter 188 of the Laws of 1937 by striking out the words "May first" in lines two and five and inserting in place thereof the words, April fifteenth, and by striking out the word "twenty-five" in line nine and inserting in place thereof the word, fifteen, so that said section as amended shall read as follows:

1. *Brook Trout.* Brook trout may be taken and possessed from April fifteenth to September first, and

during the month of September by the use of artificial flies only, in Coos, Grafton and Carroll counties. Brook trout may be taken and possessed from April fifteenth to August first, and during the month of August by the use of artificial flies only, in all of the other counties in the state. No person may take or possess brook trout less than six inches in length. No person may take more than fifteen in number nor more than five pounds in weight when taken, in one day provided so long as he has taken less than five pounds he shall be entitled to one additional fish. No person may have in his possession at one time a total of more than two days' legal catch of brook trout. Brook trout, ten inches and over, may be taken in lakes and ponds, where trolling is permitted for lake trout and salmon, from April fifteenth to May first in addition to the regular season therefor.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mr. Carpenter of Wolfeboro, for the Committee on Fisheries and Game, to whom was referred House Bill No. 365, An act to regulate fishing through the ice, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend by striking out all after the enacting clause and inserting in place thereof the following:

1. *Ice Fishing.* Amend section 24, chapter 200 of the Public Laws as inserted by section 1, chapter 82 of the Laws of 1929 by inserting after the word "unattended." in line eight the words, for a period not longer than twenty-four hours. But none of said hooks and lines, tip-ups or bobs shall be connected by or to any wire, cord or rope extending from any one of said lines, tip-ups or bobs to any other of such lines, tip-ups or bobs, or be in any other manner connected.

Further amend by striking out in lines eight to twelve inclusive the following: "Nothing in this section shall be construed as prohibiting fishing for lake trout or shad through the ice with one line in hand, in addition to ten unattended cusk lines. No person shall take more than six trout through the ice on one day."

So that said section as amended shall read as follows:

24. *Ice Fishing.* Lake trout, pike perch, perch, shad, whitefish, pickerel and cusk may be taken through the ice, during the open season therefor, with hook and line, tip-ups or bobs; but no person shall have in use or control at the same time more than six tended lines, tip-ups or bobs, and such person shall be present and have personal control over the same, except that ten such devices for taking cusk may be set and left unattended for a period not longer than twenty-four hours. But none of said hooks and lines, tip-ups or bobs shall be connected by or to any wire, cord or rope extending from any one of said lines, tip-ups or bobs to any other of such lines, tip-ups or bobs, or be in any other manner connected.

2. *Takes Effect.* This act shall take effect upon its passage.

The report was accepted.

The question being on the amendment.

Mr. Carpenter of Wolfeboro moved that the bill with the amendment pending be recommitted to the Committee on Fisheries and Game.

On a *viva voce* vote the motion to recommit was adopted.

Mr. Hambleton of Goffstown, for the Committee on Insurance, to whom was referred House Bill No. 368, An act relative to dividend notices of insurance companies, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.



Amend section 1 by striking out the entire section and inserting in place thereof the following:

1. *Insurance Companies.* Amend chapter 273 of the Public Laws by inserting after section 8 the following new section: 8-a. *Dividend Notice to Policyholders.* Every mutual and participating stock, fire, marine, fidelity and casualty insurance company shall send a written dividend notice through its resident agent to all policyholders who have not renewed and who have not received their dividend as shown by the records of the company. Such notice shall be sent within sixty days of the expiration of the policy, and such notice should include receipt to be executed by the insured and shall state the amount of the dividend payable. The company shall cause payment of such dividend to be made within ten days after receiving the dividend receipt properly executed and no policyholder shall be discriminated against due to the period of time for which insurance has been carried.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mr. Barnard of Manchester, for the Committee on Revision of Statutes, to whom was referred House Bill No. 200 (in new draft), An act relative to dealers or manufacturers of motor boats and outboard motors, reported the same with the following amendments, and the recommendation that the bill as amended ought to pass.

Amend paragraph 15-d of section 1 by striking out the word "tags" in the last line and inserting in place thereof the word, certificates, so that said paragraph as amended shall read as follows:

15-d. *Dealers' Registration Certificate and Number Plates.* The commission may, if it is satisfied of the facts stated in the application, grant the same and

issue to the applicant a certificate of registration containing the name, residence and address of such applicant and the general distinguishing number assigned together with such other provisions as the commission may determine. All such boats and outboard motors owned or kept for sale by such manufacturer or dealer may, while so owned or kept, be regarded as registered under such distinguishing number, during the calendar year of its issue, provided a number plate bearing such number be attached thereto. The commission shall, at the time of issuing a certificate to a manufacturer or dealer, furnish him with a number plate of such design and color as it may determine, and such further number plates together with such number of temporary certificates or plates as he may require.

Amend paragraph 15-g of section 1 by inserting after the word "purchaser" in line 8 the words, a temporary certificate as; further amend said paragraph by striking out the word "tag" in line 9 and inserting in its place the word, certificate; further amend said paragraph by striking out the words "receipt and tag" in line 13 and inserting in place thereof the word, certificate; further amend said paragraph by striking out the word, "receipt" and inserting in place thereof the words, temporary certificate or plate, in line 17, so that said paragraph as amended shall read as follows:

15-g. *Temporary Registration Certificates and Number Plates.* A person upon purchasing a power boat or outboard motor, from a duly registered manufacturer or dealer, which is to be used in manner as defined in section 13, shall immediately fill out an application for registration of such boat or motor and file the same, together with the required registration fee

of three dollars, with said manufacturer or dealer. Upon receipt of such application and fee the dealer or manufacturer may issue to the purchaser a temporary certificate as a receipt for such payment and the temporary certificate or plate to be attached to such boat or motor. Said dealer or manufacturer shall immediately forward the application and fee to the office of the commission by mail or otherwise and furnish such further information as the commission may require with respect thereto. The temporary certificate or plate as provided herein shall be evidence that application has been made for registration of the boat or motor and such boat or motor as described in section 13 may be operated as provided therein for a period of not more than four consecutive days next after the date of the issuance of temporary certificate or plate receipt, provided further that the permanent number plates from the commission shall be attached immediately upon receipt thereof by the purchaser.

The reading of the amendment having commenced, Mr. Barnard of Manchester moved that the further reading of the amendment be dispensed with.

On a *viva voce* vote the motion prevailed.

The question being on the amendment.

On a *viva voce* vote the amendment was adopted, and the bill ordered to a third reading.

Mr. Hunter of Hanover, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 399, An act providing for a recess commission for the study of retirement systems for state and municipal employees, with the recommendation that the bill be referred to the Committee on Judiciary.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Judiciary.

### Resolution

Mr. Baker of Concord offered the following resolution:

*Resolved*, That the use of Representatives' Hall be granted to the Concord delegation for Friday night, April 14, at 7:30 p. m., for a public hearing on House Bill No. 388, An act to revise the charter of the city of Concord.

On a *viva voce* vote the resolution was adopted.

Mr. Sawyer of Woodstock, for the Committee on Appropriations, to whom was referred House Bill No. 20, An act creating a retirement system for firemen, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted.

Mr. Saltmarsh of Concord moved to substitute the words "ought to pass" for the words "inexpedient to legislate."

The question being on the motion to substitute.

(Discussion ensued)

Miss Woodbury of Manchester and Mr. Saltmarsh of Concord spoke for the motion.

Mr. Officer of Claremont and Mr. Hunter of Hanover spoke against the motion.

Mr. Elkins of Concord moved the previous question.

The question being,

Shall the main question now be put?

On a *viva voce* vote the previous question was ordered.

The question being on the motion to substitute the words "ought to pass" for the words "inexpedient to legislate."

Mr. Grandmaison of Nashua demanded the yeas and nays, but subsequently withdrew his demand and asked for a division.

A division being had 176 members voted in the affirmative and 163 members voted in the negative, and the motion to substitute the words "ought to pass" for the words "inexpedient to legislate" prevailed.

Mr. Saltmarsh of Concord offered the following amendments.

Page 5, Art. 4, Line 4: After the word "association" add, "and who are under seventy years of age at the time of the passage of this act."

Page 7, Art. 7, Line 9: Change the word three to four so that part of the sentence will read, Not more than four per cent nor less than one per cent.

Page 9, Art. 8, Line 3: Change the word fifteen to twenty.

Page 9, Art. 8, Line 5: Change the word fifteen to twenty.

Page 9, Art. 8, Line 11: Change the numeral \$15,000 to \$20,000.

Page 11, Art. 10, Line 2: After the numeral "1940" add, "and no voluntary retirements may take place before January 1st, 1942."

Page 11, Art. 10, Line 5: Change the word sixty to sixty-five.

Page 12, Art. 10, Line 18: Change the word sixty to sixty-five.

Page 12, Art. 10, Line 24: After the word "firemen," add "Provided that the five years immediately preceeding retirement shall have been permanent service."

Page 14, Art. 13, Line 4: Change the word sixty to sixty-five.

Page 14, Art. 13, Line 6: Change the word sixty to sixty-five.

The question being on the amendment offered by Mr. Saltmarsh.

(Discussion ensued)

Mr. Saltmarsh of Concord spoke for the motion.

Mr. Winslow of Chesterfield moved that the bill with the amendment pending be laid upon the table to be printed in the Journal.

On a *viva voce* vote the chair was in doubt.

Mr. Sanderson of Pittsfield called for a division.

A division being had 188 members voted in the affirmative and 144 members voted in the negative, and the bill with the amendment pending was laid upon the table.

### Message from the Senate

A message from the Honorable Senate by its Clerk announced that the Senate concurred with the House of Representatives in the passage of the following entitled bills, with amendments, in the passage of which amendments the Senate asked the concurrence of the House of Representatives:

House Bill No. 36, An act relating to the preservation of ballots at town or school district meetings. Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *Preservation of Ballots after Town Election.* The provisions of section 90, chapter 26, Public Laws, as amended by section 14, chapter 80, Laws of 1937, and section 91 of said chapter 26, relative to sealing, certifying and delivering ballots to the town clerk shall apply to the preservation of ballots for the election of town officers after an annual town meeting, provided that such ballots remaining in possession of the town clerk except as hereinafter provided shall be destroyed at the expiration of thirty days after said election.

2. *Application for Recount.* If any person for whom a vote was cast and recorded for any office at



an annual town meeting shall, before the expiration of fifteen days from the date of the meeting, apply in writing to the town clerk for a recount of the ballots given for all persons for such office and shall state in his application the names of the opposing candidates, the said clerk shall appoint a time for the recount not earlier than seven days nor later than ten days after the receipt of said application.

3. *Notice; Fee.* The clerk shall order the applicant to give notice thereof by giving to each of the opposing candidates, or leaving at his place of abode, a copy of the application and order of notice five days at least prior to the day so appointed for the recount of ballots. No other notice shall be required. The applicant for such recount shall pay to the town clerk, for the use of the town, a fee of ten dollars.

4. *Recount.* At the time and place so appointed and notified the clerk shall openly and publicly break the seal of and open the package in which the ballots of said meeting are kept and thereupon said ballots shall be recounted by the clerk, the moderator and the selectmen of said town who shall constitute the board of recount.

5. *Preservation of Ballots.* Upon the conclusion of the recount the clerk shall place the ballots and all envelopes or wrappers which had previously contained them in a new envelope showing the contents and the date when and the reason why it was opened, and examined and said clerk shall retain said ballots until the expiration of thirty days from the date of the meeting unless some action is pending which makes their further preservation necessary or unless enjoined by action brought before the superior court.

6. *Declaration of Results.* If in case of a recount of votes for town officer it shall appear that a person

was elected other than the person declared by the moderator to have been elected, the board of recount for said town shall declare such person elected and shall, after five days from such declaration, if no appeal is taken, certify such declaration to the town clerk. The town clerk shall record the certificate and the person so declared by the board of recount to have been elected shall, unless the result is changed upon appeal to the superior court, be the duly elected officer of such town.

7. *Appeal.* Any person aggrieved by any ruling of the board of recount with respect to any ballot so recounted may, within five days thereafter, appeal to the superior court for the county in which such town is located, which court shall have jurisdiction in equity to hear and determine the questions presented.

8. *Application of Act.* The foregoing provisions of this act shall be in effect in all towns which have adopted the so-called Australian ballot system as provided in section 88, chapter 26, of the Public Laws.

9. *School Districts.* Any school district which shall have voted to elect its school district officers by an official ballot to be prepared by the clerk of said district shall be governed by the provisions of this act relative to preservation of ballots and recounts thereof. In case of such a school district the district clerk shall have all the powers and duties of a town clerk as hereby provided and the board of recount for said district shall consist of the school district clerk, the moderator and the members of the school board. The fee for recount in case of such district shall be paid to the clerk for the use of the district.

10. *Takes Effect.* This act shall take effect upon its passage.

The reading of the amendment having commenced, on motion of Mr. Etsler of Claremont further reading of the amendment was dispensed with.

On motion of Mr. Etsler of Claremont the House concurred in the adoption of the amendments sent down from the Honorable Senate.

The bill was then sent to the secretary of state to be engrossed.

House Bill No. 341, An act relative to the protection of state and other highways.

Amend said bill by striking out sections 1 and 2 and inserting in place thereof the following:

1. *Highway Approaches.* Amend chapter 91 of Public Laws by inserting after section 2 the following new section: 2-a. *Permit.* It shall be unlawful to construct or maintain any driveway, entrance or approach within the limits of the right of way of a state, state-aided, secondary or trunk line highway without a written permit from the state highway commissioner. The state highway commissioner is authorized to make such rules and regulations as to the grade and location of the driveways, entrances and approaches on said highways as will adequately protect and promote the safety of the traveling public except that in no case shall ingress and egress to the property abutting the highway be denied. No such permit shall be required for any existing driveway, entrance or approach unless the grade or location of the same is changed or altered.

On motion of Mr. Elkins of Concord the House concurred in the adoption of the amendment sent down from the Honorable Senate.

The bill was then sent to the Secretary of State to be engrossed.

## Resolutions

Mr. Normandin of Laconia offered the following resolution:

*Resolved*, That the Committee on Judiciary be allowed the use of Representatives' Hall today at 2:00 for hearing on House Bill No. 389, An act consenting to the acquisition of land by the United States for flood control and navigation purposes.

On a *viva voce* vote the resolution was adopted.

Mr. Merrow of Ossipee offered the following resolution:

*Resolved*, That the Ways and Means Committee be allowed the use of Representatives' Hall for a public hearing on House Bill No. 398, An act to eliminate the direct state tax on real property by means of a tax on tobacco products, on Tuesday, April 18, at 1:30 p.m.

On a *viva voce* vote the resolution was adopted.

Mr. Gilmartin of Manchester offered the following resolution:

*Whereas*, this House has learned with sorrow of the death of the mother of Lewis Head, Representative from Manchester, therefore be it

*Resolved*, That the Speaker appoint a committee of five to submit suitable resolutions of sympathy.

The Speaker appointed as members on such committee, Messrs. Gilmartin, Chase, and Knowlton of Manchester and Mrs. Woodbury and Mrs. Caron of Manchester.

The resolution was adopted unanimously by a rising vote.

Mr. King of Dover offered the following resolution:

*Whereas*, the House has learned with sorrow of the death of a former member of the legislature, Philias J. Chabot of Ward 2, Dover.

*Resolved*, That a committee be appointed to draw up suitable resolutions to be sent to the bereaved family.

The resolution was unanimously adopted by a rising vote.

The Speaker appointed as members on such committee, Messrs. King and Sherry of Dover, Smart of Durham, St. Laurent of Somersworth and Greenfield of Rochester.

On motion of Mr. Fernald of Dover business in order at 3 o'clock was made in order at the present time.

### Third Readings

On motion of Mr. Fernald of Dover the rules were suspended and the third readings of bills by their titles and joint resolution by its caption made in order.

House Bill No. 200, An act relative to dealers or manufacturers of motor boats and outboard motors.

House Bill No. 250, An act relating to brook trout.

House Bill No. 355, An act authorizing the sale of certain property of the state in the town of Barnstead.

House Bill No. 368, An act relative to dividend notices of insurance companies.

House Bill No. 384, An act relative to fishing in the tributaries of Sunapee lake.

House Joint Resolution No. 69, Joint resolution in favor Eastern States' Exposition.

Severally read a third time and passed and sent to the Senate for concurrence.

House Bill No. 372, An act providing for a fiscal agent for the county of Coos.

Read a third time.

The question being,

Shall the bill pass?

Mr. McIntyre of Whitefield demanded the yeas and nays, but subsequently withdrew his demand and asked for a division.

A division being had, 242 members voted in the affirmative and 38 members voted in the negative, and

the bill passed and was sent to the Senate for concurrence.

On motion of Mr. Elkins of Concord at 1:11 o'clock the House adjourned.

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WEDNESDAY, APRIL 12, 1939.

The House met at 11:00 o'clock.

Prayer was offered by the Chaplain.

**Leaves of Absence**

Mr. Morse of Sanbornton was granted leave of absence for the week on account of illness.

Mr. Woodbury of Manchester was granted leave of absence for the day on account of important business.

Mr. Shaw of Franklin was granted leave of absence for the day on account of illness.

Mr. Walbridge of Enfield was granted leave of absence for the rest of the week on account of important business.

Mr. Emerson of Milford was granted leave of absence for the rest of the week on account of death in the family.

The Education Committee was granted leave of absence for Thursday on account of visiting the Keene Normal School.

**Committee Reports**

Mrs. Batchelder of Hanover, for the Committee on Engrossed Bills, reported that the committee had examined and found correctly engrossed the following entitled bills:

Senate Bill No. 44, An act relative to the inspection of motor vehicles.



House Bill No. 82, An act making sundry changes in the sale of securities law.

The report was accepted.

Mr. Carpenter of Wolfeboro for the Committee on Fisheries and Game, to whom was referred House Bill No. 387, An act relative to the taking of black bass, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Sanderson of Pittsfield, for the Committee on Appropriations, to whom was referred House Bill No. 356, An act relating to the state house, state house annex, state library and the Hannah Dustin monument, reported the same with the following amendments, and the recommendation that the bill as amended ought to pass.

Amend the title by striking out the whole of said title and inserting in place thereof the following: An act relating to the state house, state house annex, state library, Hannah Dustin Monument, Franklin Pierce homestead and the Daniel Webster birthplace.

Amend paragraph I by inserting after the word "Monument" the words, Franklin Pierce homestead, Daniel Webster birthplace, so that said paragraph as amended shall read as follows: 1. *Custodian*. The governor and council shall be the custodians of the state house, state house annex, state library, Hannah Dustin Monument, Franklin Pierce homestead, Daniel Webster birthplace and grounds connected with each.

Amend paragraph 5 by inserting after the word "Monument" the words, Franklin Pierce homestead, Daniel Webster birthplace, so that said paragraph as amended shall read as follows: 5. *Duties*. Said superintendent shall have charge of all matters relating to the care, maintenance and repair of the state house, state house annex, state library, Hannah Dustin

Monument, Franklin Pierce homestead, Daniel Webster birthplace and the grounds connected with each.

Amend paragraph 14 by inserting after the word "annex" in the second and sixth lines the words, Franklin Pierce homestead, Daniel Webster birthplace, so that said paragraph as amended shall read as follows: 14. *Portraits, etc.* No portraits, busts, statues or other things of a memorial nature shall be placed in the state house, state house annex, Franklin Pierce homestead, Daniel Webster birthplace or on said grounds without the express consent of the governor and council. The governor and council shall locate and provide for the care of all flags, portraits, busts, monuments, etc., which now are, or may hereafter be, placed in the state house, state house annex, Franklin Pierce homestead, Daniel Webster birthplace or on the grounds connected therewith or at the Hannah Dustin Monument.

Amend paragraph 16 by inserting after the word "Monument" in the third line the words, Franklin Pierce homestead, Daniel Webster birthplace, so that said paragraph as amended shall read as follows: 16. *Penalties.* If any person shall do any act to injure or deface the state house, state house annex, state library, Hannah Dustin Monument, Franklin Pierce homestead, Daniel Webster birthplace or grounds connected with each, shall use them for any other purpose than that for which they are intended, or shall violate any of the rules and regulations established by the superintendent under the authority hereof, he shall be fined not more than twenty dollars.

The report was accepted, the amendments adopted, and the bill ordered to a third reading.

Mr. Tucker of Rye for the Committee on Coastwise Improvements to whom was referred House Joint Resolution No. 30, Joint resolution to establish a commission to investigate the question of a State Pier at

Portsmouth, reported the same with the following amendments, and the recommendation that the joint resolution as amended ought to pass.

Amend the title by striking out the entire title and inserting in place thereof the following:

Joint resolution relating to a State Pier.

Amend said resolution by striking out the entire resolution and inserting in place thereof the following:

That the State Planning and Development Commission shall investigate the expediency, feasibility and practicability of a state pier at Portsmouth, and the Commission shall make its report to the next legislature.

The report was accepted, the amendments adopted, and the joint resolution ordered to a third reading.

Mr. Carpenter of Wolfeboro for the Committee on Fisheries and Game to whom was referred House Bill No. 365, An act to regulate fishing through the ice, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

1. *Ice Fishing.* Amend section 24, chapter 200 of the Public Laws as inserted by section 1, chapter 82 of the Laws of 1929 by inserting after the word "unattended." in line eight the words, for a period not longer than twenty-four hours. But none of said hooks and lines, tip-ups or bobs shall be connected by or to any wire, cord or rope extending from any one of said lines, tip-ups or bobs to any other of such lines, tip-ups or bobs, or be in any other manner connected. Further amend by striking out the word "six" in line eleven and inserting in place thereof the word, two, so that said section as amended shall read as follows:

24. *Ice Fishing.* Lake trout, pike perch, perch, shad, white fish, pickerel and cusk may be taken through the ice, during the open season therefor, with

hook and line, tip-ups or bobs; but no person shall have in use or control at the same time more than six tended lines, tip-ups or bobs, and such person shall be present and have personal control over the same, except that ten such devices for taking cusk may be set and left unattended for a period not longer than twenty-four hours. But none of said hooks and lines, tip-ups or bobs shall be connected by or to any wire, cord or rope extending from any one of said lines, tip-ups or bobs to any other of such lines, tip-ups or bobs, or be in any other manner connected. Nothing in this section shall be construed as prohibiting fishing for lake trout or shad through the ice with one line in hand, in addition to ten unattended cusk lines. No person shall take more than two trout through the ice in any one day.

The report was accepted, the amendment adopted and the bill ordered to a third reading.

Mrs. Bixby of Berlin for the Committee on Liquor Laws to whom was referred Senate Bill No. 8, An act providing for the payment by wholesale permittees of certain fees for the sale of certain alcoholic beverages, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 2 by striking out in the eighteenth line the word "may" and inserting in place thereof the word, shall, so that said section as amended shall read as follows:

2. *Wholesaler's Permit.* Amend section 21-a of chapter 99 of the Laws of 1933, as inserted by chapter 149 of the Laws of 1935, by striking out said section and inserting in place thereof the following: 21-a. *Additional Fees.* In addition to the fees provided for in section 21 the following additional fees shall be required for permits issued to wholesalers:

For each wholesaler's permit three dollars for every barrel of beverages containing not more than thirty-one gallons or the equivalent thereof sold for resale by the permittee during the preceding calendar month, to be paid to the commission on or before the tenth day of the following month. For the purpose of computing the fees payable under the provisions hereof all sales at retail by a wholesale permittee holding an off-sale permit shall be deemed to be sales for resale. Any wholesale permittee shall collect from on-sale and off-sale permittees to whom he makes sales of beverages the fees required under the preceding provisions hereof. For failure to pay any part of the fees provided for herein ten per cent thereof shall be added and collected by the commission from the wholesaler and shall become part of said permit fee.

The report was accepted.

The question being on the amendment.

Mr. Caron of Ward 12, Manchester, moved that the bill and the accompanying report be indefinitely postponed.

The question being on the motion to indefinitely postpone.

(Discussion ensued)

Mr. Conlon of Concord spoke against the motion.

Mr. Caron of Manchester, Ward 12, spoke for the motion.

On a *viva voce* vote the motion to indefinitely postpone did not prevail.

Mr. Caron of Manchester, Ward 12, demanded the yeas and nays and the roll was called with the following result:

Yeas, 7

ROCKINGHAM COUNTY: Havican, Persson, Bourn, Liberson.



HILLSBOROUGH COUNTY: Powers, Caron of Manchester, Ward 12.

SULLIVAN COUNTY: Russell of Claremont.

### Nays, 330

ROCKINGHAM COUNTY: Stowe, Goodrich, Rand, Corson, Hepworth, Fecteau, Pennell, Thompson of Exeter, Tozier, Beede, Miller of Greenland, Emerson of Hampstead, Adams of Hampton, Creighton, Keay, Smith of Newfields, Hoyt of Newington, Labranche, Willey, Prescott, Knowles, Rowell of Northwood, Palmer of Plaistow, Fransoso, Reinhart, Foote, Gray, Marston, Yeaton, Cauty, Cogan, Palfrey, Burkhardt, Quimby, Tucker, Barron, Peever, Jewell of Stratham.

STRAFFORD COUNTY: Hayes of Barrington, Hayes of Dover, Loughlin, Sherry, King, Ouellette, Fernald of Dover, Garland, Brown of Dover, Lucas, Durnin, Smart, Blanchard, Hayes of Farmington, Hale, Plummer, Conrad, Emerson of Rochester, Young of Rochester, Beaudoin, Potvin, Studley, Greenfield, Seavey, Nutter, Habel, St. Laurent, Berry.

BELKNAP COUNTY: Rollins, Hier, Adams of Belmont, Lord, Price, O'Shan, Tarlson, Guay, Normandin, Tilton, Ward 3, Laconia, Tilton, Ward 4, Laconia, Ballou, Rivers, Greene, Simpson of Laconia, Brown of Meredith, Neal, Smith of New Hampton, Goodwin of Tilton.

CARROLL COUNTY: Simpson of Bartlett, Downs, Mudgett, Russell of Conway, Gale, Fernald of Jackson, Nickerson, Banfield, Merrow, Knox, Vittum, Young of Tuftonboro, Carpenter, Jewell of Wolfeboro.

MERRIMACK COUNTY: Guilbeault, MacPhee, Nichols, Woodbury of Bow, Trow, Morrill, Sanborn of Chichester, Coakley, Dunlap, Kemp, Baker, Elkins, Hancock, Conlon, Nash, Osborne of Concord, Saltmarsh, Sturtevant, Tilton of Concord, Bunten, George,



Maxham, Hoyt of Concord, Paveglio, Collins of Danbury, Milburn, Maxfield, Lemire, Dempsey, Burnham, Nelson of Hopkinton, Merrill of Loudon, Cheney, Swift, Batchelder of Northfield, Boisvert of Pembroke, Perkins, Sanderson, Clark of Salisbury, Anderson, Cloues, Stuart.

HILLSBOROUGH COUNTY: Bills, Graham, Wiggin, Pierce, Clark of Francestown, Brown of Goffstown, Hambleton, Pattee, Charois, Boynton, Gay, Wilson, Smith of Hudson, Reid, Chase, Daniels, Knowlton of Manchester, Barnard, Gage, Johnson, Dwyer, Shea of Manchester, Talty, Woodbury of Manchester, Ward 3, Frain, O'Neil, Lacroix, Barry of Manchester, Ward 6, Booth, Benoit of Manchester, Ward 7, Gagnon of Manchester, Gaumont, Jean, Poirier, Bouthiette, Constant, Donnelly, Gelinas, Kane, Wedick, Boisvert of Manchester, Brown of Manchester, Caron of Manchester, Ward 10, Head, Aubin, Letendre, Soucy, Duval, Ladouceur, Rousseau, Thibodeau, Whitaker, Carter, Wadleigh, Erlando, Atherton, Cooper, Underhill, Woodbury of Nashua, Duclos, Griswold, Belanger, Goulet, Trombley, Berube, Marquis, Moussette, Fournier, St. Francois, Shea of Nashua, Goyette, Ledoux, Lougee, Grandmaison, Shedd, Jones, Bass, Dugan.

CHESHIRE COUNTY: Moore, Winslow, Thomas, Miller of Fitzwilliam, Clark of Harrisville, Robertson, Duncan, Sawyer of Jaffrey, Batchelor, Callahan, Knowlton of Keene, Frissell, Martin, Gates, Lichman, Duffy, Tarbox, Phelps, Bullock, Rice, Lane, Perry, Wheeler, Smith of Troy, Relihan, Britton, Ingham, Nelson of Winchester.

SULLIVAN COUNTY: Hutchins of Charlestown, Babcock, Converse of Claremont, Etsler, Holt, Howe, Hutchins of Claremont, Officer, Putnam, Barton, Hastings, Hall, Donovan, Kempton, Maley, Rowell of Newport, Whitney, Osborne of Sunapee, Callum.

GRAFTON COUNTY: Swayne, Tyler, Noyes of Bethlehem, Coolidge, Pulsifer, Campbell, Ashley, Leonard, Bachelder of Hanover, Hunter, Tuxbury, Craig, Dean, Smith of Hebron, Marden, Cannell, Dow, French, Hough, Howard, Hoyt of Lebanon, Legassie, Collins of Lisbon, Hamilton, Bowker, Hildebrand, Santy, Bailey of Lyme, Lufkin, Bell, Merrill of Plymouth, Taylor, Dreghorn, Sawyer of Woodstock.

COOS COUNTY: Barden, Hinchey, Mason, Paine, Smith of Berlin, Ward 1, Montminy, Palmer of Berlin, Smith of Berlin, Ward 2, Trottier, Bisson, Christiansen, Ramsey, Bixby, Fortier, Gagnon of Berlin, Laforce, Congdon, Jackson, Emerson of Dalton, Stiles, Keough, Willis, Cryan, Peabody, Marshall, Rowden, Converse of Pittsburg, Boothman, Phelan, Noyes of Stewartstown, Hinman, McIntyre.

And the motion to indefinitely postpone did not prevail.

The question being on the amendment reported by the committee.

On a *viva voce* vote the amendment was adopted and the bill ordered to a third reading.

Mr. Boynton of Hillsboro, for the Committee on Rules, having considered the subject, reported the Concurrent Resolution, Concurrent resolution memorializing the administrator of the Fair Labor Standards Act of 1938 to classify as seasonal the logging and lumbering industry of New Hampshire, with the recommendation that the concurrent resolution be referred to the Committee on National Affairs.

The report was accepted, the concurrent resolution read a first and second time, laid upon the table to be printed and referred to the Committee on National Affairs.

Mr. Foote of Portsmouth moved that the rules be suspended, the printing and reference to a committee be dispensed with, the concurrent resolution be put

upon its third reading by caption and final passage at the present time.

The question being on the motion of Mr. Foote.

(Discussion ensued)

Mr. Etsler of Claremont and Mr. Sanderson of Pittsfield spoke for the motion.

On a *viva voce* vote the motion was adopted.

The concurrent resolution was then read a third time and passed and sent to the Senate for concurrence.

Mr. Hunter of Hanover, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 400, An act relating to skunks with the recommendation that the bill be referred to the Committee on Fisheries and Game.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Fisheries and Game.

Mr. Osborne of Sunapee, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 401, An act relating to temporary vacancies in the office of town treasurer and treasurer of school districts, with the recommendation that the bill be referred to the Committee on Judiciary.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Judiciary.

Mr. Baker of Concord, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 402, An act relative to the sewer system in the town of Wolfeboro, with the recommendation that the bill be referred to the Committee on Judiciary.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Judiciary.

Mr. Hunter of Hanover, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 403, An act providing for the merger and consolidation of corporations, with the recommendation that the bill be referred to the Committee on Judiciary.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Judiciary.

Mr. Sanderson of Pittsfield, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 404, An act relative to the operation of motor vehicles of non-residents on the highways of the state, with the recommendation that the bill be referred to the Committee on Revision of the Statutes.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Revision of the Statutes.

Mr. Baker of Concord, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 405, An act relative to the maintenance of public cemeteries, with the recommendation that the bill be referred to the Committee on Revision of the Statutes.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Revision of the Statutes.

Mr. Osborne of Sunapee, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 406, An act relative to the reconveyance of certain property in the town of Boscawen, with the recommendation that the bill be referred to the Committee on Forestry and Recreation.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Forestry and Recreation.

Mr. Sanderson of Pittsfield, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 407, An act relative to hours of labor for laundry establishments, with the recommendation that the bill be referred to the Committee on Labor.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Labor.

Mr. Hunter of Hanover, for the Committee on Rules, having considered the subject, reported the following joint resolution, House Joint Resolution No. 72, Joint resolution in favor of Mrs. Lester M. Avery, with the recommendation that the joint resolution be referred to the Committee on Appropriations.

The report was accepted, the joint resolution read a first and second time, laid upon the table to be printed and referred to the Committee on Appropriations.

Mr. Boynton of Hillsboro moved that the rules be suspended, the printing and reference of the joint resolution to a committee be dispensed with.

On a *viva voce* vote the motion was adopted.

Mr. Sanderson of Pittsfield moved that the rules be further suspended and the joint resolution be put upon its third reading and final passage at the present time.

On a *viva voce* vote the motion was adopted.

The joint resolution was then read a third time and passed and sent to the Senate for concurrence.

### Message from the Senate

A message from the Honorable Senate by its Clerk announced that the Senate had voted to concur with



the House of Representatives in the passage of the following entitled bill, sent up from the House of Representatives:

House Bill No. 340, An act closing Miller and Stocker ponds in the towns of Grantham to ice fishing.

The message further announced that the Senate concurred with the House of Representatives in the passage of the following entitled bill and joint resolution with amendments, in the passage of which amendments the Senate asked the concurrence of the House of Representatives:

House Bill No. 380, An act relating to brook trout.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *Brook Trout; Temporary Provisions.* Amend chapter 201 of the Public Laws, as inserted by section 5, chapter 124, Laws of 1935, by inserting after section 1-a, as inserted by section 5, chapter 96, Laws of 1937, the following new section: 1-b. *Open Season.* Brook trout, six inches or over, may be taken and possessed from April fifteenth to September first, and during the month of September by the use of artificial flies only, in Coos, Grafton and Carroll counties. Brook trout, six inches or over, may be taken and possessed from April fifteenth to August first, and during the month of August by the use of artificial flies only, in all of the other counties in the state. The provisions of this section shall be in force only during the period from April fifteenth, 1939, to April fifteenth, 1941, and provided further that the provisions of this section shall not apply to waters where special provisions are applicable. During the period when this section is effective such provisions of section 1 of chapter 201 of the Public Laws, as amended,



as are inconsistent with the provisions hereof are hereby suspended.

2. *Taking Through the Ice.* Amend section 6, chapter 201 of the Public Laws, as inserted by section 5, chapter 124, Laws of 1935, by striking out said section and inserting in place thereof the following:

6. *Trout and Salmon.* The taking of any of the species mentioned in this subdivision between two hours after sunset and one hour before sunrise is prohibited. The taking of any of the species mentioned in this subdivision, except lake trout, through the ice is prohibited provided that said fish may be taken after April fifteenth, during the open season, through a natural opening in the ice.

3. *Takes Effect.* This act shall take effect upon its passage.

On motion of Mr. Carpenter of Wolfeboro the House concurred in the adoption of the amendments sent down from the Honorable Senate.

The bill was then sent to the Secretary of State to be engrossed.

House Joint Resolution No. 26, Joint resolution for a memorial work commemorating the sesquicentennial of the Federal Constitution.

Amend the joint resolution by adding at the end thereof the following: That one copy of the work shall be sent free of charge by the Secretary of State to each free Public Library established under the laws of the State of New Hampshire; so that said joint resolution as amended will read:

That the sum of two thousand dollars (\$2,000) be and hereby is appropriated for the compilation and publication of a memorial work commemorating New Hampshire's part in the federal constitution and its sesquicentennial celebration. Said sum shall be ex-

pended under the direction of the governor and council, provided that the work of collecting, editing and preparing for publication the material necessary for such publication shall be performed by the chairman of the sesquicentennial commission appointed to have charge of the 1938 celebration, and provided further that said publication shall include a reprint of the first one hundred and twenty pages of "A History of the New Hampshire Convention" by Joseph B. Walker, published in 1888. All copies of the work to be published hereunder shall be sold for such sums as the governor and council shall determine and all receipts from said sale shall be turned into the general funds of the state. The governor is hereby authorized to draw his warrant for the sum hereby appropriated out of any money in the treasury not otherwise appropriated. That one copy of the work shall be sent free of charge by the Secretary of State to each free Public Library established under the laws of the State of New Hampshire.

On motion of Mr. Sanderson of Pittsfield the House concurred in the adoption of the amendment sent down from the Honorable Senate.

The bill was then sent to the Secretary of State to be engrossed.

The message further announced that the Senate had voted to adopt the amendments offered by the Committee on Engrossed Bills, to the following house bills, in the adoption of which amendments the Senate asked the concurrence of the House of Representatives:

House Bill No. 83, An act relating to fur-bearing animals.

Amend the title of said bill by striking out the same and inserting in place thereof the following:

An act relating to an open season for taking beaver in Coos county.

Amend the paragraph numbered 5-a by striking out the words "setting forth" in the third line, by striking out the words "of said proposed open season" in the seventh and eighth lines and inserting in place thereof the word, thereof.

Amend the paragraph numbered 5-e by inserting after the word "transport" in the third line the words, except to a conservation officer, and by inserting before the word "trapping" in the seventh line the word lawfully.

On motion of Mr. Carpenter of Wolfeboro the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 167, An act to close Zealand River and certain of its tributaries to fishing.

Amend section 1 by striking out the same and inserting the following:

1. *Closed to All Fishing.* Amend section 7 of chapter 155 of the Laws of 1935, as inserted by section 4, chapter 96, Laws of 1937, and as amended by an act entitled "An act to close the South Branch of Gale river to fishing", by inserting at the end of said section the following new paragraph: XV. Zealand river for one-fourth mile above the point of intake and all tributaries thereto from its and their sources to the point of intake, so-called, of the public water supply of the Bethlehem Village district, situated in the town of Bethlehem. Said waters being closed to fishing to prevent pollution of said water supply.

On motion of Mr. Noyes of Bethlehem the House concurred in the adoption of the amendment proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 176, An act to close the South Branch of Gale river to fishing.

Amend section 1 of said bill by striking out said section and inserting in place thereof the following:

1. *Closed to All Fishing.* Amend section 7 of chapter 155 of the Laws of 1935, as inserted by section 4, chapter 96, Laws of 1937, and as amended by an act approved April 1, 1939, entitled "An act to close Lake Katherine in the town of Piermont to all fishing", by inserting at the end of said section the following new paragraph: XIV. The South Branch of the Gale river in Franconia and Bethlehem for one-fourth mile above the point of the intake, so-called, of the Bethlehem Village district and all tributaries entering said Gale river above said point of intake situated in the town of Franconia.

On motion of Mr. Noyes of Bethlehem the House concurred in the adoption of the amendment proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 217, An act closing Elbow pond in Woodstock to ice fishing.

Amend section 1 of said bill by striking out said section and inserting in place thereof the following:

1. *Closed to Ice Fishing.* Amend paragraph I of section 5 of chapter 155 of the Laws of 1935, as inserted by section 3, chapter 96, Laws of 1937, and as amended by chapter 58, Laws of 1939, by inserting after the word "Tuftonboro" the words, Elbow pond in Woodstock, so that said paragraph as amended shall read as follows: I. Arlington Mills reservoir, Big Dan Hole pond in Ossipee and Tuftonboro, Elbow pond in Woodstock, Ferrin pond in Weare, Gorham pond in Dunbarton, Forest lake in Winchester.

On motion of Mr. Sawyer of Woodstock the House concurred in the adoption of the amendment proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 232, An act providing for the incorporation of hospital service companies.

Amend the second paragraph of section 6 of said bill by inserting before the word "such" in the third line the words, the form of, so that said paragraph as amended shall read as follows:

No hospital service corporation shall enter into any contract with subscribers unless and until it shall have filed with the insurance commissioner of the state a copy of the form of such contract, including all riders and endorsements thereof and until the said commissioner's approval thereof shall have been obtained. The insurance commissioner shall, within a reasonable time after the filing of any such form, notify such corporation either of the approval or disapproval thereof.

Amend section 7 by striking out the word "to" in the seventh line and inserting in place thereof the word, and.

Amend section 8 of said bill by striking out the word "company" and inserting in place thereof the word, corporation, in the first line of said section.

Amend the first paragraph of section 9 of the bill by striking out the word "rehabilitation" and inserting in place thereof the word, reorganization, so that said paragraph as amended shall read as follows:

Every such corporation shall be subject to liquidation, dissolution or reorganization and such proceeding shall be under the supervision of the commissioner of insurance who shall have such powers hereunder as he possesses in reference to domestic insurance corporations.



On motion of Mr. Greene of Laconia the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 248, An act relating to fishing in Big Brook, Pittsburg.

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1. *Brook Trout; Fly Fishing.* Amend section 1, chapter 155, Laws of 1935, as inserted by chapter 145, Laws of 1937, by inserting at the end of said section the following new paragraph: XI. Brook trout not less than ten inches in length may be taken from May first to October first from Big Brook and its tributaries between Big Brook bog and the highway leading from the First to the Second Connecticut lake, provided that no person may take from said waters more than five in number nor more than five pounds in weight when taken, in one day, except that if he has taken less than five in number or five pounds in weight he shall be entitled to take one additional fish.

On motion of Mr. Converse of Pittsburg the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

The message further announced that the Senate had voted to concur with the House of Representatives in the passage of the following concurrent resolution. Memorializing the administrators of the fair labor standards act of 1938 to classify as seasonal the logging and lumbering industry of New Hampshire.

The message further announced that the Senate had recalled from the Governor for further consideration House Bill No. 163, An act authorizing towns, cities



and counties to acquire land for the purposes of flood control.

The message also announced that the Senate had passed bills with the following titles, in the passage of which it asked the concurrence of the House of Representatives:

Senate Bill No. 52, An act regulating the display of signs relating to prices of motor fuel.

Senate Bill No. 53, An act relative to Sunday work for employees engaged in the work of communications.

Senate Bill No. 54, An act relative to vehicles carrying wood sawing equipment.

#### Senate Bills Read and Referred

Senate Bill No. 52, An act regulating the display of signs relating to prices of motor fuels.

Senate Bill No. 53, An act relative to Sunday work for employees engaged in the work of communications.

Senate Bill No. 54, An act relative to vehicles carrying wood sawing equipment.

Severally read a first and second time and referred to the Committee on Judiciary.

#### Taken from the Table

On motion of Mr. Bass of Peterborough, House Bill No. 20, An act creating a retirement system of firemen, was taken from the table.

The question being on the amendment offered by Mr. Saltmarsh of Concord.

Mr. Saltmarsh of Concord moved that the bill with the amendments pending be laid upon the table and made a special order for Tuesday, April 18, at 11:01 o'clock.

On a *viva voce* vote the motion was adopted.

### Resolution

Mr. Soucy of Manchester offered the following resolution:

*Whereas* this House has learned with sorrow of the bereavement of our fellow member, Alpha J. Letendre in the death of his father, Antoine Letendre, therefore be it

*Resolved*, That the Speaker appoint a committee of five to submit suitable resolutions of sympathy.

On a *viva voce* the resolution was unanimously adopted by a rising vote.

The Speaker appointed as members of such committee, Messrs. Soucy, Aubin, Rousseau, Thibodeau of Manchester and Mrs. Fournier of Nashua.

On motion of Mr. Fernald of Dover business in order at 3 o'clock was made in order at the present time.

### Third Readings

On motion of Mr. Fernald of Dover the rules were suspended and the third readings of bills by their titles and joint resolutions by their captions made in order.

House Bill No. 356, An act relating to the state house, state house annex, state library, Hannah Dustin monument, Franklin Pierce Homestead, and Daniel Webster Birthplace.

House Bill No. 365, An act to regulate fishing through the ice.

House Joint Resolution No. 30, Joint resolution to establish a commission to investigate the question of a state pier at Portsmouth.

Severally read a third time and passed and sent to the Senate for concurrence.

Senate Bill No. 8 (in new draft), An act providing for the payment by wholesale permittees of certain fees for the sale of certain alcoholic beverages.

Read a third time and passed and sent to the Senate for concurrence in the amendment.

On motion of Mr. Guay of Laconia at 12:44 o'clock the House adjourned.

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THURSDAY, APRIL 13, 1939.

The House met at 11 o'clock.

Prayer was offered by the Chaplain.

#### Leaves of Absence

Messrs Shedd of New Boston, Dean and Craig of Haverhill, were granted leave of absence for the day on account of town business.

Mr. Bailey of Bath was granted leave of absence for the day on account of illness.

Mr. Cannell of Lebanon was granted leave of absence for the day on account of attending a funeral.

Mr. Nickerson of Madison was granted leave of absence for the day on account of illness in the family.

#### Resolution

On motion of Mr. Russell of Claremont,

*Resolved*, That when the House adjourns this morning it adjourns to meet Saturday morning at 10 o'clock, and that when it then adjourns it adjourn to meet Tuesday morning at 11 o'clock.

#### Recalled from the Governor

On motion of Mr. Baker of Concord House Joint Resolution No. 26, Joint resolution for a memorial work commemorating the sesquicentennial of the federal constitution, was recalled from the Governor,

On motion of the same member House Joint Resolution No. 26, Joint resolution for a memorial work commemorating the sesquicentennial of the federal constitution, was laid upon the table.

### Committee Reports

Mr. Sawyer of Woodstock, for the Committee on Engrossed Bills, reported that the committee had examined and found correctly engrossed the following entitled bills:

House Bill No. 83, An act relating to an open season for taking beaver in Coos county.

House Bill No. 167, An act to close Zealand river and certain of its tributaries to fishing.

House Bill No. 176, An act to close the South Branch of Gale river to fishing.

House Bill No. 217, An act closing Elbow pond in Woodstock to ice fishing.

House Bill No. 232, An act governing hospital service corporations.

House Bill No. 248, An act relating to fishing in Big brook, Pittsburg.

House Bill No. 380, An act relating to trout and salmon.

The report was accepted.

Mr. Normandin of Laconia, for the Committee on Judiciary, to whom was referred House Bill No. 364, An act to authorize the establishment of the Jackson Village Fire and Water District, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Carpenter of Wolfeboro, for the Committee on Fisheries and Game, to whom was referred House Bill No. 396, An act relating to the taking of lake trout in Massabesic lake, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Sanderson of Pittsfield, for the Committee on Appropriations, to whom was referred House Bill No. 361, An act relative to the Kearsarge Mountain recreational area, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

### Committee of Conference

The Committee of Conference, to whom was referred House Bill No. 23, An act relating to ice fishing in Newfound lake, recommend that the House recede from its position of non-concurrence in the amendments sent down by the Senate, and concur with the Senate in the passage of the bill as amended.

WAKEFIELD DORT,  
RALPH G. CARPENTER,  
JOHN P. DEMPSEY,  
*Conferees on Part of House.*

LESTER E. MITCHELL,  
OLIVER MUNROE,  
*Conferees on Part of Senate.*

On a *viva voce* vote the report was adopted.

### Message from the Senate

A message from the Honorable Senate by its Clerk announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bills, sent up from the House of Representatives:

House Bill No. 161, An act relative to fishing in Gumpus pond in Pelham.

House Bill No. 343, An act relative to the powers of the State Board of Health.

The message further announced that the Senate refused to concur with the House of Representatives in

the passage of the following entitled bill, sent up from the House of Representatives:

House Bill No. 278, An act relating to forms of policies issued by foreign insurance companies.

The message further announced that the Senate had voted to concur with the House of Representatives in its adoption of the following concurrent resolution:

Memorializing the Congress of the United States to provide ample old age security, and to insure complete and impartial consideration of the General Welfare Act of 1939.

The message further announced that,

The Senate had voted to accede to the request of the House of Representatives for a Committee of Conference on House Bill No. 23, An act relating to ice fishing in Newfound lake, and the President has appointed as members of the committee on the part of the Senate, Senators Mitchell and Munroe.

The Senate had voted to accede to the request of the House of Representatives for a Committee of Conference on House Bill No. 139, An act relative to the payment of poll taxes, and the President has appointed as members of the committee on the part of the Senate, Senators Weston and Lazure.

The Senate had voted to accede to the request of the House of Representatives for a Committee of Conference on House Bill No. 165, An act relating to the coonstruction of sidewalks in the city of Nashua, and the President has appointed as members of the committee on the part of the Senate, Senators Noel and James.

The Senate had voted to accede to the request of the House of Representatives for a Committee of Conference on House Bill No. 203, An act relating to the taking of raccoon, and the President has appointed as members of the committee on the part of the Senate, Senators Estabrook and Munroe.



The message further announced that the Senate had passed a bill with the following title, in the passage of which it asked the concurrence of the House of Representatives:

Senate Bill No. 43, An act relating to the registration of certain motor vehicles.

### **Senate Bill Read and Referred**

Senate Bill No. 43, An act relating to the registration of certain motor vehicles.

Read a first and second time and referred to the Committee on Judiciary.

### **Recess**

### **After Recess**

The message also announced that the Senate had passed a bill with the following title, in the passage of which it asked the concurrence of the House of Representatives:

Senate Bill No. 58, An act providing a special open season for taking salt water smelt.

### **Senate Bill Read and Referred**

Senate Bill No. 58, An act providing for a special open season for taking salt water smelt.

Read a first and second time, laid upon the table to be printed and referred to the Committee on Fisheries and Game.

On motion of Mr. Palmer of Plaistow, the rules were suspended, the printing and reference to a committee dispensed with, and the bill put upon its third reading and final passage at the present time.

The bill was then read a third time, and passed, and sent to the Secretary of State to be engrossed.

### Concurrent Resolution

Mr. Duncan of Jaffrey, for the Co-ordinating Committee, offered the following concurrent resolution:

*Whereas*, it is desirable that the work of the legislature proceed as expeditiously as possible with a view to early final adjournment,

*Therefore Be it Resolved* by the House of Representatives, the Senate concurring, that regular sessions of the General Court be held on Thursday, April 27th, the same having been proclaimed by the Governor for observance as Fast Day.

On a *viva voce* vote the concurrent resolution was adopted.

### Message from the Senate

A message from the Honorable Senate by its Clerk announced that the Senate had voted to concur with the House of Representatives in the passage of the following concurrent resolution, sent up from the House of Representatives:

*Whereas* it is desirable that the work of the Legislature proceed as expeditiously as possible with a view to early final adjournment,

*Therefore Be it Resolved* by the House of Representatives, the Senate concurring, that regular sessions in the General Court be held on Thursday, April 27th, the same having been proclaimed by the Governor for observance as Fast Day.

On motion of Mr. Fernald of Dover business in order at 3 o'clock was made in order at the present time.

### Third Readings

On motion of Mr. Fernald of Dover the rules were suspended, and the third readings of bills by their titles made in order.

House Bill No. 361, An act relative to the Kearsarge Mountain recreational area.

House Bill No. 396, An act relating to the taking of lake trout in Massabesic lake.

Severally read a third time, and passed, and sent to the Senate for concurrence.

On motion of Mr. Pattee of Goffstown at 12:20 o'clock the House adjourned.

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SATURDAY, APRIL 15, 1939.

The House met at 10:00 o'clock.

The following letter was read by the Clerk:

Saturday, April 15, 1939.

Mr. George H. Nash,  
Concord, N. H.

DEAR SIR:

I shall be unable to attend the session on Saturday morning. Will you kindly preside for me and oblige.

Yours respectfully,

ANSEL N. SANBORN,  
*Speaker.*

There being no quorum present at 10:01 o'clock the House adjourned.

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TUESDAY, APRIL 18, 1939.

The House met according to adjournment.

Prayer was offered by Rev. R. W. E. MacKenzie, Pastor of the Epping Community Church.

### Leaves of Absence

Messrs. Graham of Antrim and Congdon of Colebrook were granted leave of absence until further notice on account of illness.

Miss Greenfield of Rochester was granted leave of absence for the day on account of important business.

Messrs. Pierce of Bennington and Nelson of Hopkinton were granted leave of absence for the day on account of illness.

Mr. Nichols of Boscawen was granted leave of absence for Tuesday and Wednesday on account of attending a funeral.

Mrs. Bourn of Exeter and Mr. Noyes of Stewartstown were granted leave of absence for the week on account of illness.

### Committee Reports

Mrs. Batchelder of Hanover, for the Committee on Engrossed Bills, reported that the committee had examined and found correctly engrossed the following entitled bill:

Senate Bill No. 58, An act providing a special open season for taking salt water smelt.

The report was accepted.

Mrs. Bixby of Berlin for the Committee on Liquor Laws, to whom was referred House Bill No. 215, An act providing for a grill room license for first-class commercial hotels, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 by adding after the word "morning," in line 13 the words, or on election days; further amend said section by striking out the words "twenty-five" in line 17 and inserting in place thereof the

words, one hundred, so that said section as amended shall read as follows:

1. *First-Class Commercial Hotels.* Amend chapter 3 of the laws of the special session of 1936 by inserting after section 20 the following new section: 20-a. *Special Grill Room License.* The commission may issue a special grill room license to any commercial hotel already holding a license under the provisions of section 19. Said special license shall entitle the licensee to serve liquor or beverages, with or without food, in any room of said hotel designated by the commission, provided said room shall not have an entrance upon any public way, and provided further that no liquor shall be served under this special license from closing time Saturday night to opening time Monday morning or on election days. The commission shall have control of said special licenses to grant, regulate, suspend or revoke the same entirely separate from any other licenses which may be granted to said hotel. The fee for such special grill room license shall be one hundred dollars per year.

The undersigned, a minority of the Committee on Liquor Laws, to whom was referred House Bill No. 215, An act providing for grill room licenses for first class commercial hotels, and being unable to agree with the majority, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

CHARLES P. COAKLEY,  
BENJAMIN A. BROWN,  
HARRY C. LICHMAN,  
FRED M. ANDERSON,  
GEORGE J. PHELAN,  
JOHN C. TILTON,

*A Minority of the Committee.*

The reports were accepted.

Mr. Tilton of Concord moved to substitute the report of the minority for the report of the majority.

The question being on the motion to substitute.

(Discussion ensued)

Messrs. Tilton of Concord, Kimball of Concord, Emerson of Milford, Cannell of Lebanon, Powers of Brookline, Shaw of Franklin, and Coakley of Concord and Mrs MacPhee spoke for the motion.

Messrs. Conlon and Hancock of Concord, Underhill of Nashua and Barnard of Manchester spoke against the motion.

Mr. Elkins of Concord moved the previous question.  
The question being

Shall the main question now be put?

On a *viva voce* vote the previous question was ordered.

The question being on the motion to substitute the report of the minority for the report of the majority.

On a *viva voce* vote the motion prevailed.

Mr. Underhill of Nashua called for a division.

A division being had 246 members voted in the affirmative and 114 members voted in the negative and the motion to substitute the report of the minority, "inexpedient to legislate" for the report of the majority, "ought to pass with amendment," prevailed.

The question being on the report of the minority, that it is inexpedient to legislate.

On a *viva voce* vote the report of the minority was adopted.

Mr. Hambleton of Goffstown, for the Committee on Insurance, to whom was referred House Bill No. 311, An act relating to appeals from orders of the insurance commissioner, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.



The report was accepted and the resolution of the committee adopted.

Mr. Hambleton of Goffstown, for the Committee on Insurance, to whom was referred House Bill No. 310, An act to provide for the revision of the public laws pertaining to all forms of insurance, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Normandin of Laconia, for the Committee on Judiciary, to whom was referred Senate Bill No. 39, An act relative to conduct after a motor vehicle accident, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mr. Normandin of Laconia, for the Committee on Judiciary, to whom was referred Senate Bill No. 35, An act relative to the operation of motor vehicles, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mr. Sanderson of Pittsfield, for the Committee on Appropriations, to whom was referred House Bill No. 342, An act to provide for additional facilities for handicapped children, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mr. Normandin of Laconia, for the Committee on Judiciary, to whom was referred House Bill No. 150 (in new draft), An act establishing a board of registration of contractors, and regulating the occupation

of contracting, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mr. Whitaker of Mason, for the Committee on Banks, to whom was referred House Bill No. 251, An act to authorize branch banking, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

We, the undersigned, a minority of the Committee on Banks, to whom was referred House Bill No. 251, An act to authorize branch banking, having considered the same, and being unable to agree with the majority, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

ROBERT H. SANDERSON,  
PERKINS BASS,  
WILLARD K. TOZIER,  
JACOB F. HILDEBRAND,  
THOMAS W. FECTEAU,  
GEORGE H. GRINNELL,  
PETER J. DUGAN,  
BERNADETTE E. CHAROIS,  
*A Minority of the Committee.*

Amend section 2 by striking out the whole of said section and inserting in place thereof the following:

2. *Branches Authorized.* Any bank may establish and maintain branches for the general transaction of banking business in any place within any county contiguous to the county in which its principal place of business is located in accordance with the provisions of this act.

The reports were accepted.

Mr. Bass of Peterborough moved to substitute the report of the minority for the report of the majority.

Mr. Sanderson of Pittsfield moved that the bill and its accompanying reports be laid upon the table and made a special order for Tuesday, April 25, at 11:01 o'clock.

The question being on the motion of Mr. Sanderson.

(Discussion ensued)

Mr. Hunter of Hanover spoke against the motion.

Mr. Sanderson of Pittsfield withdrew his motion.

The question being on the motion to substitute the report of the minority for the report of the majority.

(Discussion ensued)

Messrs. Dugan of Wilton and Sanderson of Pittsfield spoke for the motion.

Messrs. Merrow of Ossipee, Barnard of Manchester, Clark of Salisbury, Hayes of Dover, and Atherton of Nashua spoke against the motion.

Mr. Etsler of Claremont moved the previous question.

The question being,

Shall the main question now be put?

On a *viva voce* vote the previous question was ordered.

The question being on the motion to substitute the report of the minority for the report of the majority.

Mr. Hildebrand of Littleton demanded the yeas and nays, and the roll was called with the following result:

Yeas, 26

ROCKINGHAM COUNTY: Havican, Burbank, Corson, Grinnell, Hepworth, Fecteau, Tozier, Beede Creighton, Quimby, Barron, Smith of Seabrook.

STRAFFORD COUNTY: Hayes of Barrington.

BELKNAP COUNTY: None.

CARROLL COUNTY: Gale.

MERRIMACK COUNTY: Sanderson.

HILLSBOROUGH COUNTY: Hambleton, Charois,  
Tuttle, Dwyer, Duval, Carter, Bass, Dugan.

CHESHIRE COUNTY: None.

SULLIVAN COUNTY: None.

GRAFTON COUNTY: Hildebrand.

COOS COUNTY: Smith of Berlin, Ward 1, Palmer of  
Berlin.

### Nays, 366

ROCKINGHAM COUNTY: Stowe, Persson, Goodrich,  
Avery of East Kingston, Pennell, Thompson of Exeter,  
Miller of Greenland, Emerson of Hampstead, Adams  
of Hampton, Keay, Nesmith, Smith of Newfields, Hoyt  
of Newington, Labranche, Willey, Prescott, Knowles,  
Rowell of Northwood, Palmer of Plaistow, Fransoso,  
Reinhart, Foote, Gray, Marston, Yeaton, Canty,  
Cogan, Palfrey, Burkhardt, Liberson, Tucker, Peever,  
Currier, Jewell of Stratham, Butterfield.

STRAFFORD COUNTY: Hayes of Dover, Loughlin,  
Sherry, Cronin, King, Fernald of Dover, Garland,  
Brown of Dover, Lucas, Durnin, Smart, Blanchard,  
Hale, Plummer, Pray, Conrad, Emerson of Rochester,  
Young of Rochester, Beaudoin, Potvin, Studley,  
Seavey, Nutter, Habel, Boucher, St. Laurent, Berry.

BELKNAP COUNTY: Rollins, Hier, Adams of Bel-  
mont, Lord, Price, O'Shan, Tarlson, Guay, Tilton,  
Ward 3, Laconia, Roucher, Tilton, Ward 4, Laconia,  
Ballou, Rivers, Greene, Simpson of Laconia, Brown of  
Meredith, Neal, Smith of New Hampton, Morse, Good-  
win of Tilton.

CARROLL COUNTY: Simpson of Bartlett, Downs,  
Mudgett, Russell of Conway, Fernald of Jackson,  
Nickerson, Banfield, Merrow, Knox, Vittum, Young of  
Tuftonboro, Carpenter, Jewell of Wolfeboro.

MERRIMACK COUNTY: Guilbeault, MacPhee, Woodbury of Bow, Trow, Morrill, Sanborn of Chichester, Coakley, Dunlap, Kemp, Baker, Elkins, Hancock, Conlon, Nash, Osborne of Concord, Saltmarsh, Sturtevant, Tilton of Concord, Bunten, Freeman, George, Maxham, Hoyt of Concord, Harrison, Collins of Danbury, Milburn, Yeaton of Epsom, Maxfield, Carignan, Lemire, Dempsey, Shaw, Burnham, DuDevoir, Lafond, Merrill of Loudon, Cheney, Swift, Batchelder of Northfield, Boisvert of Pembroke, Dupont, Perkins, Clark of Salisbury, Anderson, Cloues, Stuart.

HILLSBOROUGH COUNTY: Bills, Wiggin, Powers, Michie, Clark of Francestown, Brown of Goffstown, Pattee, Boynton, Gay, Wilson, Goodwin of Hudson, Smith of Hudson, Reid, Bergholtz, Chase, Daniels, Knowlton of Manchester, Barnard, Gage, Johnson, Kimball, Woodbury of Manchester, Ward 2, Barry of Manchester, Ward 3, Shea of Manchester Woodbury of Manchester, Ward 3, Duffley, Frain, McGowan, O'Neil, Dulac, Healy, Mahoney, O'Brien, Barry of Manchester, Ward 6, Booth, Connolly, Fox, Sullivan of Manchester, Benoit of Manchester, Ward 7, Gagnon of Manchester, Gaumont, Jean, Poirier, Turcotte, Benoit of Manchester, Ward 8, Bouthiette, Brousseau, Constant, Donnelly, Gelinas, Kane, Wedick, Boisvert of Manchester, Driscoll, Plante, Brown of Manchester, Caron of Manchester, Ward 10, Head, Carroll, Mullen, Roukey, Sweeney, Aubin, Caron of Manchester, Ward 12, Letendre, Soucy, Gauthier, Ladouceur, Rousseau, Thibodeau, Whitaker, Emerson of Milford, Foster, Wadleigh, Erlando, Atherton, Cooper, Underhill, Woodbury of Nashua, Duclos, Griswold, Belanger, Goulet, Trombley, Sullivan, Thomas F. of Nashua, Sullivan, Timothy J. of Nashua, Berube, Marquis, Moussette, Fournier, St. Francois, Shea of Nashua,

Goyette, Lougee, Cormier, Grandmaison, Joyce, Wilcox, Hurbonovich, Senechal, Shedd, Jones, Myhaver, Peaslee.

CHESHIRE COUNTY: Moore, Winslow, Thomas, Miller of Fitzwilliam, Hanson, Clark of Harrisville, Robertson, Duncan, Sawyer of Jaffrey, Batchelor, Callahan, Knowlton of Keene, Frissell, Martin, Dort, Gates, Lichman, Duffy, Tarbox, Phelps, Bullock, Rice, Lane, Perry, Wheeler, Smith of Troy, Chickering, Relihan, Britton, Ingham, Nelson of Winchester.

SULLIVAN COUNTY: Hutchins of Charlestown, Babcock, Converse of Claremont, Etsler, Holt, Howe, Hutchins of Claremont, Officer, Putnam, Russell of Claremont, Warner, Witherill, Barton, Hastings, Hall, Donovan, Kempton, Maley, Rowell of Newport, Whitney, Osborne of Sunapee, Callum, Davison.

GRAFTON COUNTY: Swayne, Bailey of Bath, Tyler, Noyes of Bethlehem, Coolidge, Pulsifer, Campbell, Ashley, Walbridge, Hodge, Leonard, Batchelder of Hanover, Hunter, Tuxbury, Craig, Dean, Strobridge, Smith of Hebron, Marden, Cannell, Dow, French, Hough, Howard, Hoyt of Lebanon, Legassie, Collins of Lisbon, Hamilton, Bowker, Whitcomb, Santy, Bailey of Lyme, Lufkin, Bell, Merrill of Plymouth, Taylor, Dreghorn, Sawyer of Woodstock.

COOS COUNTY: Barden, Hinchey, Mason, Paine, Montminy, Smith of Berlin, Ward 2, Trottier, Bisson, Christiansen, Ramsey, Bixby, Fortier, Gagnon of Berlin, Laforce, Kelsea, Jackson, Emerson of Dalton, Stiles, Keough, Willis, Cryan, Peabody, Marshall, Rowden, Converse of Pittsburg, Boothman, Phelan, Hinman, McIntyre.

And the motion to substitute the report of the minority, "ought to pass with amendment" for the report of the majority, "inexpedient to legislate," did not prevail.



The question being on the report of the majority of the committee, that it is inexpedient to legislate.

On a *viva voce* vote the report of the committee was adopted.

Mr. Elkins of Concord moved that the House reconsider its vote, whereby it voted to adopt the report of the committee, inexpedient to legislate.

On a *viva voce* vote the motion to reconsider was not adopted.

### Special Order

Mr. Saltmarsh of Concord called for the special order.

It being House Bill No. 20, An act creating a retirement system for firemen.

The question being on the amendments offered by Mr. Saltmarsh of Concord.

(Discussion ensued)

Mr. Saltmarsh of Concord spoke for the amendments.

Mr. Boynton of Hillsboro moved that the bill and the accompanying amendments be referred to the next legislature.

The question being on the motion of Mr. Boynton.

(Discussion ensued)

Messrs. Hunter of Hanover, Ashley of Rochester, Sawyer of Jaffrey, Winslow of Chesterfield, Grinnell of Derry, and Chase of Manchester spoke for the motion.

Messrs. Sherry of Dover, Liberson of Portsmouth, and Etsler of Claremont and Miss Woodbury of Manchester spoke against the motion.

Mr. Elkins of Concord moved the previous question.

The question being,

Shall the main question now be put?

On a *viva voce* vote the previous question was ordered.

The question being on the motion that the bill and the accompanying amendments be referred to the next legislation.

On a *viva voce* vote the Chair was in doubt.

Mr. Kimball of Manchester called for a division.

Mr. Sherry of Dover demanded the yeas and nays, but subsequently withdrew his demand.

A division being had 189 members voted in the affirmative and 190 members voted in the negative and the motion to refer to the next legislature did not prevail.

Mr. Boynton of Hillsboro demanded the yeas and nays and the roll was called with the following result:

### Yeas, 178

ROCKINGHAM COUNTY: Goodrich, Burbank, Corson, Grinnell, Hepworth, Avery of East Kingston, Pennell, Miller of Greenland, Emerson of Hampstead, Creighton, Keay, Nesmith, Smith of Newfields, Prescott, Palmer of Plaistow, Quimby, Tucker, Currier, Jewell of Stratham.

STRAFFORD COUNTY: Hayes of Dover, Fernald of Dover, Smart, Hale, Plummer, Seavey, Habel, Boucher, St. Laurent, Berry.

BELKNAP COUNTY: Rollins, Hier, Adams of Belmont, Lord, Price, Guay, Tilton, Ward 3, Laconia, Greene, Brown of Meredith, Neal, Morse.

CARROLL COUNTY: Simpson of Bartlett, Russell of Conway, Gale, Fernald of Jackson, Nickerson, Banfield, Knox, Vittum, Young of Tuftonboro, Jewell of Wolfeboro.

MERRIMACK COUNTY: Guilbeault, MacPhee, Woodbury of Bow, Morrill, Sanborn of Chichester, Kemp, Baker, Elkins, Osborne of Concord, Tilton of Concord,

Bunten, Maxham, Hoyt of Concord, Milburn, Yeaton of Epsom, Maxfield, Carignan, Lemire, Dempsey, Burnham, DuDevoir, Cheney, Swift, Batchelder of Northfield, Boisvert of Pembroke, Perkins, Sanderson, Clark of Salisbury, Anderson, Cloues, Stuart.

HILLSBOROUGH COUNTY: Bills, Wiggin, Powers, Brown of Goffstown, Pattee, Tuttle, Boynton, Gay, Wilson, Reid, Chase, Emerson of Milford, Foster, Wadleigh, Shedd, Bass, Myhaver, Peaslee.

CHESHIRE COUNTY: Winslow, Thomas, Miller of Fitzwilliam, Clark of Harrisville, Robertson, Duncan, Sawyer of Jaffrey, Frissell, Dort, Gates, Lichman, Duffy, Tarbox, Phelps, Bullock, Rice, Lane, Perry, Wheeler, Smith of Troy, Chickering, Relihan, Britton, Ingham, Nelson of Winchester.

SULLIVAN COUNTY: Hutchins of Charlestown, Witherill, Barton, Hastings, Hall, Donovan, Kempton, Maley, Rowell of Newport, Whitney, Osborne of Sunapee, Davison.

GRAFTON COUNTY: Bailey of Bath, Tyler, Noyes of Bethlehem, Coolidge, Pulsifer, Campbell, Ashley, Walbridge, Hodge, Batchelder of Hanover, Hunter, Tuxbury, Craig, Dean, Strobridge, Smith of Hebron, Marden, Cannell, French, Collins of Lisbon, Hamilton, Whitcomb, Santy, Bailey of Lyme, Lufkin, Bell, Merrill of Plymouth, Taylor, Dreghorn, Sawyer of Woodstock, Smith of Berlin, Ward 1, Kelsea, Jackson, Emerson of Dalton, Keough, Willis, Cryan, Rowden, Converse of Pittsburg, Boothman, Hinman, McIntyre.

### Nays, 212

ROCKINGHAM COUNTY: Stowe, Havican, Persson, Rand, Fecteau, Thompson of Exeter, Tozier, Beede, Adams of Hampton, Hoyt of Newington, Labranche, Willey, Knowles, Rowell of Northwood, Fransoso, Reinhart, Foote, Gray, Marston, Yeaton, Canty, Cogan,

Palfrey, Burkhardt, Liberson, Barron, Peever, Smith of Seabrook, Butterfield.

STRAFFORD COUNTY: Hayes of Barrington, Loughlin, Sherry, Cronin, King, Garland, Brown of Dover, Lucas, Durnin, Blanchard, Pray, Conrad, Emerson of Rochester, Young of Rochester, Beaudoin, Potvin, Studley, Nutter.

BELKNAP COUNTY: O'Shan, Tarlson, Roucher, Tilton, Ward 4, Laconia, Ballou, Rivers, Simpson of Laconia, Neal, Smith of New Hampton, Goodwin of Tilton.

CARROLL COUNTY: Downs, Mudgett, Merrow, Carpenter.

MERRIMACK COUNTY: Trow, Coakley, Dunlap, Hancock, Conlon, Nash, Saltmarsh, Sturtevant, Freeman, George, Harrison, Collins of Danbury, Shaw, Lafond, Merrill of Loudon.

HILLSBOROUGH COUNTY: Clark of Francestown, Hambleton, Charois, Goodwin of Hudson, Smith of Hudson, Bergholtz, Daniels, Knowlton of Manchester, Barnard, Gage, Johnson, Kimball, Woodbury of Manchester, Ward 2, Barry of Manchester, Ward 3, Dwyer, Shea of Manchester, Woodbury of Manchester, Ward 3, Duffley, Frain, McGowan, O'Neil, Dulac, Healy, Mahoney, O'Brien, Barry of Manchester, Ward 6, Booth, Connolly, Fox, Sullivan of Manchester, Benoit of Manchester, Ward 7, Gagnon of Manchester, Gaumont, Jean, Poirier, Turcotte, Benoit of Manchester, Ward 8, Bouthiette, Brousseau, Constant, Donnelly, Gelin, Kane, Wedick, Boisvert of Manchester, Driscoll, Plante, Brown of Manchester, Caron of Manchester, Ward 10, Gilmartin, Head, Carroll, Mullen, Roukey, Sweeney, Aubin, Caron of Manchester, Ward 12, Letendre, Soucy, Duval, Gauthier, Ladouceur, Rousseau, Thibodeau, Whitaker, Carter, Atherton, Cooper, Underhill, Woodbury of Nashua,

Duclos, Griswold, Belanger, Goulet, Trombley, Thomas F. Sullivan of Nashua, Timothy J. Sullivan of Nashua, Berube, Marquis, Moussette, Fournier, St. Francois, Shea of Nashua, Goyette, Lougee, Cormier, Grandmaison, Joyce, Wilcox, Hurbonovich, Senechal, Jones.

CHESHIRE COUNTY: Moore, Hanson, Batchelor, Callahan, Knowlton of Keene, Martin.

SULLIVAN COUNTY: Babcock, Converse of Claremont, Etsler, Holt, Howe, Hutchins of Claremont, Officer, Putnam, Russell of Claremont, Warner, Callum.

GRAFTON COUNTY: Swayne, Leonard, Dow, Hough, Howard, Hoyt of Lebanon, Legassie, Bowker, Hildebrand.

COOS COUNTY: Barden, Hinchey, Mason, Paine, Montminy, Palmer of Berlin, Smith of Berlin, Ward 2, Trottier, Bisson, Christiansen, Ramsey, Bixby, Fortier, Gagnon of Berlin, Laforce, Stiles, Crawford, Peabody, Phelan.

### Pairs

Mr. Pierce of Bennington voting Yes paired with Miss Greenfield of Rochester voting No.

Mr. Michie of Deering voting Yes paired with Mr. Dugan of Wilton voting No.

Mr. Noyes of Stewartstown voting Yes paired with Mr. Congdon of Colebrook voting No.

And the motion to refer the bill and the amendments to the next legislature did not prevail.

The question being on the following amendments as offered by Mr. Saltmarsh of Concord.

Amend section 4 by adding after the word "Association" the words, and who are under seventy years of age at the time of the passage of this act, so that said section as amended shall read as follows:

4. *New Hampshire Permanent Firemen's Association.* All permanent firemen in this state, who are or shall hereafter become members of the New Hampshire Permanent Firemen's Association and who are under seventy years of age at the time of the passage of this act and who accept the provisions of this act by making application to the retirement board and by agreeing to abide by such rules and regulations as it may prescribe pursuant to this act, are entitled to the benefits of this act. All applications to the retirement board must be made within thirty days after the passage of this act, provided, however, that all persons who are not permanent firemen at the date of the passage of this act, but who thereafter become permanent firemen, shall make application to the board not later than thirty days after becoming permanent firemen. All permanent firemen who fail to accept this act within the time limits specified shall be ineligible to receive the benefits of this act. Permanent firemen accepting the provisions of this act shall give notice of such acceptance to the treasurer or other disbursing officer of the city, town or precinct which employs them.

Amend section 7 by striking out in line six the word "three" and inserting in place thereof the word, four, so that said section as amended shall read as follows:

7. *Retirement Fund.* The retirement benefits and other compensation provided for by this act shall be paid out of a retirement fund, which shall be established as follows: At the beginning of each fiscal year the retirement board shall fix a uniform rate of assessment upon the annual salaries of all permanent firemen who accept the provisions of this act. The rate of assessment shall be not more than four percent nor less than one percent of each permanent fireman's annual salary. The board shall, in such manner as it



may prescribe, give notice of the rate and amount of assessment on each permanent fireman's salary to the treasurer or other disbursing officer of the city, town or precinct where such permanent fireman is employed. All assessments under this section shall be payable in equal monthly installments on the last business day of each calendar month. It shall be the duty of the treasurer or other disbursing officer of a city, town or precinct which employs permanent firemen who accept the provisions of this act, to withhold from the monthly salary of each such permanent fireman, and to pay to the retirement board an amount equal to the monthly assessment against such permanent fireman's salary, as before provided. All permanent firemen who shall accept the provisions of this act, by such acceptance agree that the treasurer or other disbursing officer of the city, town or precinct which employs them, shall have the power to withhold from their monthly salaries the amounts as aforesaid.

Amend section 8 by striking out in the second and fourth lines the word, "fifteen" and inserting in place thereof the word, twenty; further amend by striking out in the eighth line the figures "\$15,000" and inserting in place thereof the figures, \$20,000, so that said section as amended shall read as follows:

8. *Contribution of State to Retirement Fund.* There is hereby appropriated, for the purposes of this act, the sum of twenty thousand dollars for the fiscal year ending June 30, 1940, and the sum of twenty thousand dollars for the fiscal year ending June 30, 1941. After the first two years of experience under this act, it shall be the duty of the comptroller in preparing the executive budget for each ensuing biennium to recommend to the governor the appropriation of an amount not to exceed \$20,000, for each fiscal year, sufficient to meet the needs of this act. Donations to

the retirement fund may be accepted by the state treasurer.

Amend section 10 by inserting after the figures "1940" in the second line the following: and no voluntary retirements may take place before January 1st, 1942; further amend by striking out in the third and thirteenth lines the word "sixty" and inserting in place thereof the word, sixty-five; further amend by inserting after the word "firemen" in the seventeenth line the words, Provided that the five years immediately preceeding retirement shall have been permanent service, so that said section as amended shall read as follows:

10. *Retirement.* No retirement under this act may take place before January 1, 1940, and no voluntary retirements may take place before January 1st, 1942. Any permanent fireman who accepts the provisions of this act may retire from active service at the age of sixty-five, provided he has served as a permanent fireman for a period of twenty years. All permanent firemen who accept the provisions of this act and who have served as permanent firemen for twenty years must retire from active service at the age of seventy. Upon the recommendation of the association that any permanent fireman who has accepted this act, is capable of further rendering satisfactory service, the retirement board may extend the age of compulsory retirement for such fireman for five years. Any permanent fireman accepting the provisions of this act and having served for twenty years, who shall be dismissed from service after having reached the age of sixty-five shall be entitled to the benefits of this act. Upon retirement a permanent fireman shall no longer be obligated to pay assessments to the retirement fund. Call firemen who become permanent firemen may have one-half of their term of service as call firemen counted

as part of their term of service as permanent firemen, provided that the five years immediately preceding retirement shall have been permanent service. The probationary periods of permanent firemen shall be counted as part of their term of service.

Amend section 14 by striking out in the third and fourth lines the word "sixty" and inserting in place thereof the word, sixty-five, so that said section as amended shall read as follows:

13. *Resignation, Dismissal and Re-instatement.* Any permanent fireman accepting the provisions of this act who shall retire or be dismissed from service under the age of sixty-five years, and the personal representatives of any such permanent fireman who may die under the age of sixty-five years, shall be entitled to receive from the board all payments made thereto by him with interest at such rate as the board may prescribe. Upon retirement or dismissal from service a permanent fireman shall no longer be obligated to pay assessment to the fund. Any permanent fireman, resigned or dismissed from service as aforesaid, may, if he thereafter re-enters service as a permanent fireman, be re-instated to the benefits of this act upon payment to the board of all assessments which might have been assessed against him from the date of his original acceptance of this act to the date of his re-instatement to the benefits of this act.

(Discussion ensued)

Mr. Pennell of Exeter spoke against the amendments.

On a *viva voce* vote the amendments were adopted and the bill ordered to a third reading.

### Message from the Senate

A message from the Honorable Senate by its Clerk announced that the Senate had voted to concur with

the House of Representatives in the passage of the following entitled bills and joint resolution, sent up from the House of Representatives:

House Bill No. 46, An act relative to primary petitions and nomination of candidates at the primary election.

House Bill No. 247, An act relating to the taking of brook trout in the Connecticut river and Perry stream.

House Bill No. 377, An act relative to appropriations for town advertising.

House Joint Resolution No. 72, Joint resolution in favor of Mrs. Lester M. Avery.

The message further announced that the Senate concurred with the House of Representatives in the passage of the following entitled bill, with amendments, in the passage of which amendments the Senate asked the concurrence of the House of Representatives:

House Bill No. 378, An act relative to town appropriations for recreational purposes.

Amend section 1 of the bill by striking out all after the word "belongs" in the seventh line, and substituting therefor the words, to or is leased by the town or the state; so that said section as amended will read:

1. *Town Appropriations.* Amend section 33 of chapter 42 of the Public Laws by striking out said section and inserting in place thereof the following: 33. *Tax.* Any town may raise annually a specific number of cents on each one hundred dollars of assessed valuation to be used for the purposes described in section 32 and may raise such sums for such recreational purposes when the land upon which such activities are conducted belongs to or is leased by the town or the state.

On motion of Mr. Elkins of Concord the House concurred in the adoption of the amendments sent down from the Honorable Senate.

The bill was then sent to the Secretary of State to be engrossed.

The message also announced that the Senate had voted to non-concur with the House of Representatives in its amendments to the following entitled bill:

Senate Bill No. 8 (in new draft), An act providing for the payment of wholesale permittees of certain fees for the sale of certain alcoholic beverages, and asked for a Committee of Conference. The President has appointed, on the part of the Senate, Senators Weston and Mitchell.

The House acceded to the request of the Honorable Senate and the Speaker appointed as members on such committee, on the part of the House, Messrs. Conlon of Concord, Underhill of Nashua and Coakley of Concord.

### Resolution

Mr. Soucy of Manchester offered the following resolution:

*Whereas*, our Heavenly Father has called Home Antoine Letendre, moderator for twenty-six years, of Ward 12, Manchester, and father of Alpha J. Letendre, Representative from Manchester, therefore

*Be It Resolved*, That the members of this House of Representatives extend their heartfelt sympathy to their brother member in his bereavement; and be it further

*Resolved*, That these resolutions be printed in the Journal and the Clerk be instructed to send a copy to Mr. Letendre.

LOUIS J. SOUCY,  
JOSEPH P. AUBIN,  
HECTOR J. ROUSSEAU,  
ARTHUR THIBODEAU,  
EULALIE FOURNIER,

*Committee.*

On a *viva voce* vote the resolution was unanimously adopted by a rising vote.

On motion of Mr. Fernald of Dover business in order at three o'clock was made in order at the present time.

### Third Readings

On motion of Mr. Fernald of Dover the rules were suspended and the third readings of bills by their titles made in order.

House Bill No. 20, An act creating a retirement system for firemen.

House Bill No. 342, An act to provide for additional facilities for handicapped children.

Severally read a third time and passed and sent to the Senate for concurrence.

Senate Bill No. 35, An act relative to the operation of motor vehicles.

Senate Bill No. 39, An act relative to conduct after a motor vehicle accident.

Severally read a third time and passed and sent to the Secretary of State to be engrossed.

On motion of Mr. Elkins of Concord at 3:05 o'clock the House adjourned.

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WEDNESDAY, APRIL 19, 1939.

The House met at 11 o'clock.

Prayer was offered by the Chaplain.

### Leaves of Absence

Mr. Ballou of Laconia was granted leave of absence for the rest of the week on account of an addition to the family.



Messrs. Kimball of Manchester and Hoyt of Concord were granted leave of absence for the rest of the week on account of illness.

Messrs. Reinhardt of Portsmouth and George of Concord were granted leave of absence for the day on account of important business.

Mr. Craig of Haverhill was granted leave of absence for Thursday on account of important business.

Mrs. Hoyt of Lebanon was granted leave of absence for the rest of the week on account of important business.

Mr. Pulsifer of Campton was granted leave of absence for Wednesday on account of attending a funeral.

Mr. Bowker of Littleton was granted leave of absence for the day on account of illness.

### Committee Reports

Mr. Sawyer of Woodstock for the Committee on Engrossed Bills, reported that the committee had examined and found correctly engrossed the following entitled bills and joint resolutions:

House Bill No. 36, An act relating to the preservation and recount of ballots at town or school district meetings.

House Bill No. 340, An act closing Miller and Stocker ponds in the town of Grantham to ice fishing.

House Bill No. 343, An act relative to the powers of the state board of health.

House Bill No. 372, An act providing for a fiscal agent for the county of Coos.

House Bill No. 377, An act relative to appropriations for town advertising.

House Joint Resolution No. 69, Joint resolution in favor Eastern States Exposition.

House Joint Resolution No. 72, Joint resolution in favor of Mrs. Lester M. Avery.

The report was accepted.

Mr. Normandin of Laconia, for the Committee on Judiciary, to whom was referred Concurrent Resolution relating to David C. Chase, justice of the peace and notary public, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Normandin of Laconia, for the Committee on Judiciary, to whom was referred House Bill No. 344, An act relating to occupational diseases, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted.

The question being on the resolution reported by the committee.

(Discussion ensued)

Mr. Winslow of Chesterfield spoke against the motion.

Mr. Winslow of Chesterfield moved that the bill be laid upon the table, but subsequently withdrew his motion.

Mr. Winslow of Chesterfield moved that the bill be recommitted to the Committee on Judiciary.

The question being on the motion to recommit.

(Discussion ensued)

Mr. Etsler of Claremont spoke against the motion.

Mr. Grinnell of Derry spoke for the motion.

On a *viva voce* vote the motion to recommit did not prevail.

The question being on the resolution reported by the committee that it is inexpedient to legislate.

On a *viva voce* vote the resolution reported by the committee was adopted.

Mr. Normandin of Laconia, for the Committee on Judiciary, to whom was referred House Joint Resolution No. 64, Joint resolution relating to occupational diseases, reported the same with the recommendation that the joint resolution ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Carpenter of Wolfeboro, for the Committee on Fisheries and Game, to whom was referred House Bill No. 397, An act relating to the taking of fish in certain streams in Jackson and vicinity, reported the same with the following amendments, and the recommendation that the bill as amended ought to pass.

Amend section 1 by striking out the word "Fairfield" in lines seven and nine and inserting in place thereof the word, Fairview, so that said section as amended shall read as follows:

1. Amend section 1 of chapter 155 of the laws of 1935 as amended by chapters 145 and 188 of the laws of 1937 by adding after paragraph X the following new paragraph:

XI. Ellis river beginning at the south side of the covered bridge at Jackson Village thence upstream to the junction of the Wildcat and Ellis rivers; the Wildcat river from its junction with the Ellis river upstream to a marker 150 yards south of the Fairview bridge, so-called, at the head of Jackson Falls; the Wildcat river from a marker 150 yards north of Fairview bridge, so-called, upstream to a cement bridge commonly known as Gill bridge on the so-called five mile circuit road.

Amend section 3 by striking out the word "Fairfield" in lines four, five and six and inserting in place

thereof the word, Fairview, so that said section as amended shall read as follows:

3. Amend paragraph X, section 7, chapter 155 of the laws of 1935 as amended by chapters 96 and 188 of the laws of 1937 by adding at the end of paragraph X the following: "Wildcat river from a marker 150 yards south of Fairview bridge, so-called, to a point 150 yards north of said Fairview bridge in Jackson" so that as amended said paragraph shall read as follows:

X. The inlet of Little Diamond pond in Stewartstown for a distance of one hundred feet from the inlet out into said pond and fifty feet on each side of said inlet, Wildcat river from a marker 150 yards south of Fairview bridge, so-called, to a point 150 yards north of said Fairview bridge in Jackson.

The report was accepted.

The reading of the amendments having commenced, on motion of Mr. Carpenter of Wolfeboro, further reading was dispensed with.

On a *viva voce* vote the amendments were adopted, and the bill ordered to a third reading.

Mr. Baker of Concord, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 408, An act defining urban and rural residence districts under the motor vehicle laws and regulating speed limit of motor vehicles, with the recommendation that the bill be referred to the Committee on Revision of the Statutes.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Revision of the Statutes.

Mr. Osborne of Sunapee, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 409, An act rela-

tive to the New Hampshire State Hospital, with the recommendation that the bill be referred to the Committee on Revision of the Statutes.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Revision of the Statutes.

Mr. Sanderson of Pittsfield, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 410, An act relating to the surrender of town charters, with the recommendation that the bill be referred to the Committee on Judiciary.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Judiciary.

Mr. Sanderson of Pittsfield, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 411, An act validating certain proceedings of the town meeting of the town of Lyndeborough, with the recommendation that the bill be referred to the Committee on Judiciary.

The report was accepted, the bill read a first and second time, laid upon the table to be printed, and referred to the Committee on Judiciary.

Mr. Baker of Concord, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 412, An act relative to the powers of the school district of Hampton, with the recommendation that the bill be referred to the Committee on Judiciary.

The report was accepted, the bill read a first and second time, laid upon the table to be printed, and referred to the Committee on Judiciary.

Mr. Baker of Concord, for the Committee on Rules, having considered the subject, reported the following joint resolution, House Joint Resolution No. 73, Joint

resolution providing special emergency appropriations for forest fire protection, with the recommendation that the joint resolution be referred to the Committee on Appropriations.

The report was accepted, the joint resolution read a first and second time, laid upon the table to be printed, and referred to the Committee on Appropriations.

Mr. Hunter of Hanover, for the Committee on Appropriations, to whom was referred House Bill No. 369, An act to provide highway funds for construction, reconstruction and maintenance and for the reimbursement of towns for hurricane-flood damage, reported the same with the following amendments, and the recommendation that the bill as amended ought to pass.

Amend Section 2 by striking out in the seventh line the following "1939 and 1940," and inserting in place thereof the following, ending January 31, 1940 and 1941; further amend by striking out in the eighth line the following "1941 and 1942" and inserting in place thereof the following, ending January 31, 1942 and 1943; further amend by striking out in the ninth and tenth lines the following "1943 and 1944" and inserting in place thereof the following, ending January 31, 1944 and 1945; further amend by inserting after the word "with" in the thirteenth line the words, and shall not exceed in total amount that shown on; further amend by inserting after the word "State" in the fifteenth line the words, and incorporated herein by reference, so that said section as amended shall read as follows:

2. *Expenditure.* In constructing, repairing and reconstructing such highways, bridges and culverts, the state highway commissioner, with the approval of the Governor and Council, may expend such portion



of the said sum of five million dollars as is reasonably necessary to meet all requirements of service to the public, provided, however, that not more than three and one-half million dollars shall be so expended during the years ending January 31, 1940 and 1941, not more than five hundred thousand dollars during each of the years ending January 31, 1942 and 1943, and not more than two hundred fifty thousand dollars during each of the years ending January 31, 1944 and 1945. The expenditure of the appropriation provided for in section 1 and the expenditure of any money otherwise appropriated, allotted, granted or provided for highways and highway purposes shall be in general accordance with and shall not exceed in total amount that shown on a plan dated March 1, 1939 entitled, "New Hampshire Highway Department Six Year Planning Budget" filed in the office of the Secretary of State and incorporated herein by reference.

Amend section 7 by striking out the entire section and inserting in place thereof the following:

7. *Bonds Authorized.* The state treasurer is hereby authorized, under the direction of the governor and council, to borrow upon the credit of the state, for the purpose of carrying into effect the provisions of this act, not more than three and one-half million dollars during the years ending January 31, 1940 and 1941, not more than five hundred thousand dollars during each of the years ending January 31, 1942 and 1943, and not more than two hundred fifty thousand dollars during each of the years ending January 31, 1944 and 1945, provided that the total indebtedness so incurred shall not exceed five million dollars and for that purpose may issue bonds and notes as may, in their opinion, be to the best advantage of the state of New Hampshire, in the name of and on behalf of the state

of New Hampshire at a rate of interest to be determined by the governor and council at the time of approval of the issue. The maturity dates of such bonds and notes shall be not later than December 31, 1954. Such bonds and notes shall be in such form and such denominations and with such provisions for call or redemption as the governor and council may determine, may be registerable as to both principal and interest, and shall be countersigned by the governor and shall be deemed a pledge of the faith and credit of the state, provided, however, that the amount of bonds and notes authorized for the years ending January 31, 1943, 1944 and 1945 shall be reduced by the amount of accumulated excess of income over estimates of income for the years 1939 to 1944, both inclusive, as shown on said "six year planning budget chart" named in section 2 of this act.

Amend section 10 by striking out in lines five and six the words, "that at no one time shall the indebtedness of the state on such short term loans exceed the sum of five million dollars." and inserting in place thereof the following:

that these notes shall be converted into bonds, authorized by section 7 of this act within the years for which the issue of said bonds is authorized. so that said section as amended shall read as follows:

10. *Short Term Notes.* Prior to the issuance of bonds hereunder, the treasurer, under the direction of the Governor and Council, may for the purposes hereof borrow money from time to time on short term loans to be refunded by the issuance of the bonds hereunder, provided, however, that these notes shall be converted into bonds, authorized by section 7 of this act within the years for which the issue of said bonds is authorized.

Amend section 11 by striking out in lines sixteen and seventeen the following, "at the discretion of the Governor, with the approval of the Council,"

11. *Motor Vehicle Road Toll.* Beginning with the final payment of the bonds provided for by chapter 1 of the Laws of the special session of 1936, the additional road toll of one cent per gallon, provided for in section 6 of said chapter 1, shall be continued in full force and effect until the final payment of the bonds and notes provided for by this act. Such additional motor vehicle road toll shall be collected in the manner now provided. A separate account of the additional motor vehicle road toll provided for by this section shall be kept by the state treasurer to which he shall add from time, at the direction of the Governor acting with the advice and consent of the council, such sums from the separate account provided for by chapter 41 of the Laws of 1929, as amended by chapter 115 of the Laws of 1931, and the separate account provided for by chapter 1 of the Laws of the special session of 1936, as are not reasonably necessary for the payment of the bonds authorized by said chapters. The funds so held shall be used to pay the interest and principal of the bonds and notes provided for by this act. To the extent that said funds are insufficient, at any time, to pay the interest and principal due on any bonds and notes provided for by this act the Governor shall draw his warrant upon the general highway fund for the payment thereof. Upon the final payment of the bonds and notes which may be issued under the authority of this act of said chapter 41 of said chapter 1 the Governor and Council shall forthwith by proclamation terminate the further collection of the additional motor vehicle road toll thereby provided.

Amend section 13 by striking out the entire section.

Amend section 14 by renumbering section 13.

The report was accepted.

The reading of the amendments having commenced on motion of Mr. Hunter of Hanover, further reading of the amendments were dispensed with.

The question being on the amendments.

(Discussion ensued)

Mr. Hunter of Hanover spoke in favor of the amendments.

On a *viva voce* vote the amendments were adopted.

The question being, Shall the bill be read a third time?

(Discussion ensued)

Messrs Hunter of Hanover, Seavey of Rochester, Emerson of Milford and Duncan of Jaffrey spoke for the motion.

On a *viva voce* vote the bill was ordered to a third reading.

### Committee of Conference

The Committee of Conference, to whom was referred House Bill No. 139, An act relative to the payment of poll taxes, reported the same with the recommendation that the House recede from its position of non-concurrence and the Senate recede from the adoption of its amendment and recommended that the following amendment be adopted:

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *Payment of Poll Taxes Required.* No resident of New Hampshire shall be entitled to receive a permit to register a motor vehicle, a license to operate a motor vehicle, or a license to hunt or fish within this

state, until he shall furnish evidence, as provided in section 2, that he has paid his poll tax in the town where he resides for the tax year preceding the date of his application for such permit or license, or that he has been excused from such payment by the taxing authority of the town where he resides.

2. *Receipt or Sworn Statement.* Any applicant for permit to register a motor vehicle, for a license to operate a motor vehicle or for a license to hunt or fish shall, before he received such permit or license, furnish to the issuing officer the receipt of the tax collector of the town where he resides showing that he has paid his poll tax in said town for the tax year preceding the date of such application, or make oath that he has paid said tax or that he has been excused from such payment.

3. *Definition.* A person shall be considered to have been excused from paying a poll tax if it shall have been abated by the taxing authority, or if he is exempt from such tax, or if he shall obtain from the selectmen of a town or the assessors of a city a statement that in their opinion he should be granted such permit or license even though such tax may not have been paid.

4. *False Statement; Penalty.* Whoever makes a false statement relative to payment of a poll tax as provided for herein shall be fined ten dollars and the making of such false statement shall be cause for the revocation of such permit or license for a period not exceeding three months.

5. *Disposition of Fines.* All fines collected under the provisions of this act against any violator prosecuted by employees of, or on behalf of, the motor vehicle department or the fish and game department shall be for the use of the community in which the arrest is made.

6. *Repeal.* Chapter 132 of the Laws of 1933 relative to payment of poll taxes is hereby repealed.

7. *Takes Effect.* This act shall take effect upon its passage.

WILLIAM WESTON,  
ALBERT C. LAZURE,  
*Conferees on Part of Senate.*

CLARENCE B. ETSLER,  
ARTHUR L. HAMILTON,  
LEO L. OSBORNE,  
*Conferees on Part of House.*

On a *viva voce* vote the report was adopted.

#### Message from the Senate

A message from the Honorable Senate by its clerk announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bills and joint resolution, sent up from the House of Representatives:

House Bill No. 216, An act relating to the duties of the Register of Probate.

House Bill No. 372, An act providing for a fiscal agent for the county of Coos.

House Joint Resolution No. 69, Joint resolution in favor of Eastern States Exposition.

The message further announced that the Senate had voted to adopt the amendments offered by the Committee on Engrossed Bills, to the following House Bills, in the adoption of which amendments the Senate asked the concurrence of the House of Representatives:

House Bill No. 161, An act relative to fishing in Gumpus Pond in Pelham.



Amend section 1 of said bill by striking out the figure "X" and inserting in place thereof the figure, XV, by striking out the words and figures "section 32, chapter 188, Laws of 1937" and inserting in place thereof the following, chapter 87, Laws of 1939, and by striking out the figure "XI" and inserting in place thereof the figure XVI.

On motion of Mr. Carpenter of Wolfeboro the House concurred in the adoption of the amendment sent down from the Honorable Senate.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 330, An act to close Diamond pond, otherwise known as Tom pond in Warner to ice fishing.

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1. *Closed to Ice Fishing.* Amend paragraph I of section 5 of chapter 155 of the Laws of 1935, as inserted by section 3, chapter 96, Laws of 1937, and as amended by chapters 58 and 85 of the Laws of 1939, by inserting after the word "Tuftonboro" the words, Dimond or Tom pond in Warner, so that said paragraph as amended shall read as follows: I. Arlington Mills reservoir, Big Dan Hole pond in Ossipee and Tuftonboro, Dimond or Tom pond in Warner, Elbow pond in Woodstock, Ferrin pond in Weare, Gorham pond in Dunbarton, Forest lake in Winchester.

On motion of Mr. Cloues of Warner the House concurred in the adoption of the amendment sent down from the Honorable Senate.

The bill was then sent to the Secretary of State to be engrossed.

The message also announced that the Senate refused to concur with the House of Representatives in

the passage of the following entitled bill sent up from the House of Representatives:

House Bill No. 362, An act authorizing the board of accountancy to make rules and regulations.

Mr. Sherry of Dover moved that the Committee on Revision of the Statutes be ordered to report House Bill No. 88, An act relative to insurance policies of old age assistance recipients, not later than Wednesday, April 26. •

The question being on the motion of Mr. Sherry.

(Discussion ensued)

Mr. Barnard of Manchester spoke against the motion.

Mr. Sherry of Dover spoke for the motion.

On a *viva voce* vote the motion prevailed.

On motion of Mr. Fernald of Dover business in order at 3 o'clock was made in order at the present time.

### Third Readings

On motion of Mr. Fernald of Dover the rules were suspended and the third readings of bills by their titles and joint resolution by its caption made in order.

House Bill No. 369, An act to provide highway funds for construction, reconstruction, and maintenance and for the reimbursement of towns for hurricane-flood damage.

House Bill No. 397, An act relating to the taking of fish in certain streams in Jackson and vicinity.

House Joint Resolution No. 64, Joint resolution relating to occupational diseases.

Severally read a third time, sent to the Senate for concurrence.

On motion of Mr. Greene of Laconia at 12:30 o'clock the House adjourned.

THURSDAY, APRIL 20, 1939.

The House met at 11 o'clock.

Prayer was offered by the Chaplain.

### Leaves of Absence

Messrs. Johnson of Manchester and Nickerson of Madison were granted leave of absence for the day on account of important business.

Mr. Cannell of Lebanon was granted leave of absence for next week on account of important business.

### Resolution

On motion of Mr. Callahan of Keene.

*Resolved*, That when the House adjourns this morning it be to meet Saturday morning at 10 o'clock and when it then adjourns, it adjourns to meet Tuesday morning at 11 o'clock.

### Committee Reports

Mrs. Batchelder of Hanover, for the Committee on Engrossed Bills, reported that the committee had examined and found correctly engrossed the following entitled bills:

Senate Bill No. 35, An act relative to the operation of motor vehicles.

Senate Bill No. 39, An act relative to conduct after a motor vehicle accident.

House Bill No. 46, An act relative to primary petitions and nomination of candidates at the primary election.

House Bill No. 161, An act relative to fishing in Gum-pus pond in Pelham.

House Bill No. 330, An act to close Dimond pond otherwise known as Tom pond in Warner.

House Bill No. 378, An act relative to town appropriations for recreational purposes.

The report was accepted.

Mr. Winslow of Chesterfield, for the Committee on Public Health, to whom was referred House Bill No 291, An act relating to narcotic drugs, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Barnard of Manchester, for the Committee on Revision of Statutes, to whom was referred House Bill No. 405, An act relative to the maintenance of public cemeteries, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Seavey of Rochester, for the special committee consisting of Strafford County Delegation, to whom was referred House Bill No. 76, An act establishing commissioner districts in the county of Strafford, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Barnard of Manchester, for the Committee on Revision of Statutes, to whom was referred Senate Bill No. 42, An act relative to operation of motor tractors by unlicensed operators, reported the same with the following amendments, and the recommendation that the bill as amended ought to pass.

Amend section 2 by striking out the entire section.

Further amend said bill by renumbering section 3 to read section 2.

The report was accepted, the amendments adopted and the bill ordered to a third reading.

Mr. St. Francois of Nashua, for the Committee on Military Affairs, to whom was referred House Bill No. 347, An act exempting the members of the National Guard from the provisions of the act relative to financial responsibility in motor vehicle accidents, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 by inserting in lines three and ten after the word "vehicle" the words, owned by, or under lease to, the Federal Government and, so that said section as amended shall read as follows:

1. Amend section 26 of chapter 161 of the Laws of 1937 by inserting at the end of said section the following: The provisions of this act shall not apply to a member of the National Guard or to a motor vehicle owned by, or under lease to, the Federal Government and operated by him when engaged in military duty pursuant to orders from proper authority under existing State and Federal laws, so that said section as amended shall read as follows:

26. *Application of Act.* This act shall in no respect be considered as a repeal of the provisions of the state motor vehicle laws but shall be construed as supplemental thereto. The provisions of this act shall not apply to a member of the National Guard or to a motor vehicle owned by, or under lease to, the Federal Government and operated by him when engaged in military duty pursuant to orders from proper authority under existing state and federal laws.

The report was accepted, the amendment adopted and the bill ordered to a third reading.

Mr. Emerson of Milford, for the Committee on Public Improvements, to whom was referred House Bill No. 381, An act relative to the maintenance of roads within certain state reservations, reported the same

with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 by striking out after the word "funds" in the thirteenth line the words, For the purpose of carrying out the provisions hereof trees to be cut or materials from said reservations used shall be with the approval of the state forester. The highway commissioner may, with the approval of the state forester, make such rules and regulations, seasonal or otherwise, as may be necessary to insure the proper use and prevent abuse of said roads and rights-of-way and may, in his discretion with like approval, exclude vehicles altogether from said roads and rights-of-way for such periods of time as may seem to him to be desirable, so that said section as amended shall read as follows: 1. *State Reservations*. Amend chapter 84 of the Public Laws by inserting after section 10 the following new section: 11. *Maintenance of Recreational Roads*. The state highway department shall assume full control of reconstruction and maintenance of roads designated by the state forester and highway commissioner within the following state reservations and rights-of-way thereto; Belknap State Reservation in the town of Gilford; Cathedral Lodge State Reservation in the towns of Conway and Bartlett; Pillsbury State Reservation in the town of Washington; White Lake State Park in the town of Tamworth; Pawtuckaway State Reservation in the towns of Nottingham and Deerfield; Milan Hill State Park in the town of Milan; Cardigan State Reservation in the town of Orange and Kearsarge State Reservation in the town of Wilmot. The cost of said reconstruction and maintenance shall be a charge upon the highway funds. This section shall not be construed as affecting the control of the forestry and recreation



department over parking areas or other facilities within said reservations.

The report was accepted.

The reading of amendment having commenced, on motion of Mr. Emerson of Milford further reading of the amendment was dispensed with.

On a *viva voce* vote the amendment was adopted and the bill ordered to a third reading.

Mr. Baker of Concord for the Committee on Rules, having considered the subject, reported the following entitled Bill, House Bill No. 413, An act relative to the Congregational Society in Tamworth, with the recommendation that the bill be referred to the Committee on Revision of Statutes.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Revision of Statutes.

On motion of Mr. Boynton of Hillsboro the rules were suspended to allow for the presentation of two committee reports which had not previously been advertised in the Journal.

Mr. Sanderson of Pittsfield, for the Committee on Appropriations, to whom was referred House Bill No. 323, An act making appropriation for the expenses of the state of New Hampshire for the year ending June 30, 1940, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass, and with this recommendation pending be laid on the table to be printed.

Amend said House Bill No. 323 by striking out all after the enacting clause and inserting in place thereof the following:

1. *Appropriations.* The sums hereinafter mentioned are appropriated to be paid out of the treasury of the state for the purposes specified for the fiscal year ending June 30, 1940, to wit:

A continuing appropriation which shall not lapse, shall not be transferred to any other department, institution or account, and which shall be for the expenses of the legislature only \$135,000.00

State Government Asso. 250.00

For the Executive Department:

Office of Governor:

Salary of Governor \$5,000.00

Salary of Governor's Secretary 3,000.00

Clerical Expenses 6,040

Current Expenses 800.00

Equipment 200.00

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Total \$15,040.00

Council *per diem* and expenses \$7,000.00 \$7,000.00

*Per diem* compensation and expenses of the Council shall be paid from this fund and no compensation or expenses shall be paid from any other State Funds.

Contingent Fund \$5,000.00 \$5,000.00

Emergency Fund for protection of interests of the state 40,000.00 40,000.00

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Total Executive Department \$67,040.00

For Judicial Branch:

Supreme Court:

Salaries of Supreme Court

Justices \$35,000.00

Clerical Expenses of

Supreme Court 4,650.00

Current Expenses 4,200.00

Printing and binding New Hampshire Reports	3,500.00	
Examination of Law Stu- dents	300.00	
	<hr/>	
Total		\$47,650.00

## Superior Court:

Salaries of Superior Court Justices	\$42,000.00	
Current Expenses	8,000.00	
	<hr/>	
Total		50,000.00

## Probate Court:

Salaries of Probate Court Justices	\$17,600.00	
Salaries of Registers and Deputies	20,300.00	
	<hr/>	
Total		37,900.00

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Total Judicial Branch	\$135,550.00
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## For Adjutant-General's Department:

Office of Adjutant-General:		
Salary of Adjutant-General	\$4,000.00	
Clerical Expenses	3,400.00	
Current Expenses	600.00	
	<hr/>	
Total		8,000.00

## National Guard:

Salaries	\$40,000.00	
Current Expenses	12,350.00	
	<hr/>	
Total		52,350.00

Armories:		
Salaries	\$12,440.00	
Current Expenses	20,560.00	
	<hr/>	
Total		33,000.00
Rifle Ranges		960.00
Officers Uniforms		2,800.00
		<hr/>
Total Adjutant-General's Dep't.		\$97,110.00

## For Department of Agriculture:

Office of Commissioner:		
Salary of Commissioner	\$3,500.00	
Salary of Deputy-Commissioner	2,750.00	
Clerical Expenses	4,015.00	
Current Expenses	1,402.00	
Equipment	100.00	
	<hr/>	
Total		\$11,767.00
Institutes and Public Meetings		1,060.00
Granite State Dairymen's Association		500.00
New Hampshire Horticultural Society		1,000.00
New Hampshire Sheep Breeders' Association		250.00
Nursery Inspection		800.00
Feeding Stuffs Inspection		5,000.00
Fertilizer Inspection		1,864.00
Seed Inspection		1,050.00
Insecticides and Fungicides		200.00
Apiary Law		300.00
Insect Suppression:		
Salary of Deputy-Commissioner	\$1,600.00	

Salaries of Clerks and		
Assistants	7,865.00	
Current Expenses	1,985.00	
Equipment	150.00	
	<hr/>	
Total		11,600.00
Dairy Inspection:		
Salary of Inspector	\$2,400.00	
Current Expenses	1,100.00	
	<hr/>	
Total		3,500.00
Licensing Milk Dealers		500.00
Fair Exhibits		500.00
Bureau of Markets:		
Salaries	\$3,025.00	
Current Expenses	750.00	
Equipment	25.00	
	<hr/>	
Total		3,800.00
Crop Reporting Services		1,000.00
Printing and Mailing Bulletins		5,000.00
Labeling Services		500.00
Apple Grading		800.00
Egg Inspection:		
Salary of Inspector	\$1,650.00	
Current Expenses	1,575.00	
Equipment	25.00	
	<hr/>	
Total		3,250.00
Division of Animal Industry:		
Salary of State Veteri-		
narian	\$3,500.00	
Clerical Expenses	9,646.00	
Current Expenses	3,700.00	

Veterinarians' Services	57,460.00	
Current Expenses	3,000.00	
Testing fees	15,000.00	
	<hr/>	
Total		92,306.00
		<hr/>
Total Department of Agriculture		\$146,547.00

## For Attorney-General's Department:

Salary of Attorney-General	\$4,000.00	
Salary of Assistant Attorney-General	4,000.00	
Salary of Chief Clerk	2,000.00	
Salary of Law Clerk	1,800.00	
Salary of Research Clerk	2,000.00	
Clerical Expenses	6,250.00	
Current Expenses	3,250.00	
Equipment	400.00	
Fees to Registers of Probate	4,250.00	
Legacy Tax Expenses	1,200.00	
	<hr/>	
Total Attorney-General's Dep't.		\$29,150.00

## For Comptrollers Department:

Salary of Comptroller	\$5,000.00	
Salary of Assistant Comptroller	3,300.00	
Clerical Expenses	15,012.50	
Current Expenses	2,300.00	
Equipment	1,500.00	
	<hr/>	
Total		27,112.50
Granite State Deaf Mute Mission	150.00	
Old Home Week Association	300.00	
New Hampshire Historical Society	500.00	



Military Organizations	200.00
Firemen's Relief Fund	4,000.00
Prisoners' Aid Association	600.00
New Hampshire Veterans' Association	1,500.00

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Total Comptroller's Department	\$34,362.50
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For Forestry and Recreation:

Administration:

Salary of State Forester	\$3,500.00
Salary of Assistant State Forester	2,500.00
Clerical Expenses	7,800.00
Current Expenses	4,300.00
Equipment	100.00

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Total	18,200.00
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Nursery:

Salaries	\$5,000.00
Current Expenses	2,240.00
Equipment	200.00

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Total	7,440.00
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Reforestation	1,900.00
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District Chiefs:

Salaries	\$4,465.00
Current Expenses	2,650.00

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Total	7,115.00
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Lookout Stations	10,000.00
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Prevention of Fires	4,800.00
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Forest Fire Bills to Towns	7,500.00
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White Pine Blister Rust Eradication:

Salaries	\$3,700.00
Current Expenses	263.00

Motor Vehicles	800.00	
Equipment	100.00	
Total		4,863.00

## Recreation:

Salary of Director	\$2,100.00
Seasonal Personnel	19,203.00
Current Expenses	8,535.00
Equipment	3,745.00

Total	\$33,583.00
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Less Estimated Revenue	18,500.00
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Net Appropriation	15,083.00
Co-operation, Federal Emergency Program	6,000.00

Total Forestry Department	\$82,901.00
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For G. A. R.	600.00
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## For Insurance Department:

Salary of Commissioner	\$5,000.00
Salary of Deputy Commissioner	1,800.00
Salary of Examiner	2,500.00
Clerical Expenses	8,550.00
Current Expenses	4,000.00

Total Insurance Department	21,850.00
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## For Bureau of Labor:

## Office of Commissioner:

Salary of Commissioner	\$3,000.00
Clerical Expenses	5,025.00

Current Expenses	2,900.00
Equipment	200.00

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Total	11,125.00
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## Minimum Wage Division:

Salary of Director	\$2,400.00
Salaries of 4 Investigators	6,000.00
Clerical Expenses	3,100.00
Current Expenses	7,000.00

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Total	18,500.00
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Interstate Compacts	100.00
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## Factory Inspection:

Salaries of Inspectors	\$6,250.00
Clerical expenses	1,250.00
Current expenses	3,500.00
Equipment	100.00

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Total	11,100.00
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## National Employment Office:

Salaries Managers	\$10,340.00
Current expenses	4,660.00

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Total	15,000.00
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Total Bureau of Labor	\$55,625.00
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## For Purchasing Agent:

Salary of Purchasing Agent	\$4,000.00
Clerical expenses	8,600.00
Current expenses	2,060.00
Equipment	200.00

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Total Purchasing Agent	\$14,860.00
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## For State Department:

## Office of Secretary:

Salary of Secretary	\$4,000.00
Salary of Deputy Secretary	2,700.00
Clerical expenses	9,125.00
Current expenses	2,300.00
Equipment	1,200.00

Total	19,325.00
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Copying Ancient Records	3,225.00
State and Provincial Records	3,740.00
Direct Primary	400.00
Australian Ballot	265.00

Total State Department	\$26,955.00
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## For State House Department:

Salary of Superintendent	\$2,500.00
Other salaries	41,220.00
Current expenses	44,700.00
Equipment	500.00
Special repairs	1,000.00
State Library Maintenance	9,289.00
Franklin Pierce Homestead Maintenance	550.00
Daniel Webster Birthplace Maintenance	780.00

Total State House Department	\$100,539.00
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## For State Library:

Salary of Librarian	\$2,500.00
Salary of Cataloger	1,800.00
Clerical expenses	8,056.00

Current expenses	3,600.00	
Books	7,500.00	
Equipment	775.00	
		<hr/>
Total State Library		\$24,231.00

## For State Police:

Salary of Superintendent	\$4,000.00	
Salary of Deputy Superintendent	3,500.00	
Other salaries	106,670.00	
Clerical expenses	5,880.00	
Current expenses	63,300.00	
Equipment	47,200.00	
		<hr/>
Total	\$230,550.00	
Less Revenue M. V.	150,000.00	
		<hr/>
Net Appropriation	\$80,550.00	

Of the above appropriation the sum of \$150,000.00 shall be a charge upon the funds received by the State Treasurer from fees collected by the Motor Vehicle Department from registration and licensing motor vehicles and operators, and the sum of \$80,550.00 shall be a charge upon the general funds of the treasury.

## For Treasury Department:

Office of Treasury:		
Salary of Treasurer	\$4,000.00	
Salary of Deputy Treasurer	2,700.00	
Clerical expenses	13,860.00	
Current expenses	5,500.00	
		<hr/>
Total		\$26,060.00

## Trust Fund Obligations:

Teachers' Institutes	\$2,388.93
Benjamin Thompson Fund	31,887.27
Agricultural College Fund	4,800.00
Hamilton Smith Fund	400.00
Kimball Legacy	270.14
Fiske Legacy	1,055.14

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Total	40,801.48
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## Intangible Tax Division:

Clerical expenses	\$1,912.50
Current expenses	410.00

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Total	\$2,322.50
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Less Revenue	2,322.50
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Net Appropriation	00.00
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Bounties	5,500.00
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Burial of Soldiers and Sailors	8,500.00
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## Collection of Gasoline Tax:

Salary of Inspector	\$2,000.00
Clerical expense	900.00
Current expenses	845.00
Equipment	200.00

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Total	\$3,945.00
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Less revenues	3,945.00
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Net Appropriation	00.00
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Total Treasury Department	\$80,861.48
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## For Weights and Measures:

Salary of Commissioner	\$3,000.00
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Salary of not more than 4 Inspectors	8,000.00
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Clerical expenses	1,000.00
Current expenses	5,405.00
Equipment	250.00

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Total Weights and Measures	\$17,655.00
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For University of New Hampshire:

Maintenance Chap. 180, Section 18	\$553,390.50
Extension Work under the Smith-Lever Act. (Section 180 of the Public Laws, etc.)	36,000.00

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Total University of New Hampshire	\$589,390.50
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Section 23, Chapter 180 of the Public Laws is hereby suspended for the fiscal year ending June 30, 1940.

For Industrial School:

Administration:

Salary of Superintendent	\$4,000.00
Salary of Assistant Superintendent	2,600.00
Clerical expenses	2,730.00
Current expenses	2,100.00
Equipment	100.00

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Total	\$11,530.00
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Instruction:

Salaries	\$5,280.00
Current expenses	150.00
Equipment	175.00

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Total	5,605.00
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## Custodial Care:

Salaries	\$18,970.00
Current expenses	17,800.00
Equipment	2,000.00

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Total	38,770.00
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Auxiliary to Custodial Care	550.00
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## Operation of Plant:

Salaries	\$1,680.00
Current expenses	13,015.00
Equipment	500.00

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Total	15,195.00
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## Maintenance of Plant:

Salaries	\$3,120.00
Current expenses	1,350.00
Equipment	500.00

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Total	4,970.00
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## Agriculture:

Salaries	\$3,265.00
Current expenses	6,800.00
Equipment and Stock	1,000.00

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Total	11,065.00
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## Parole Office:

Salaries	\$900.00
Current expenses	1,300.00
Equipment	100.00

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Total	2,300.00
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Total Industrial School	\$89,985.00
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## For Laconia State School:

## Administration:

Salary of Superintendent	\$4,000.00
Clerical expenses	8,110.00
Current expenses	2,888.00
Equipment	75.00

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Total	\$15,073.00
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## Professional Care and Treatment:

Salaries	\$45,170.00
Current expenses	3,210.00
Equipment	250.00

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Total	48,630.00
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## Custodial Care:

Salaries	\$11,800.00
Current expenses	45,000.00
Equipment	1,250.00

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Total	58,050.00
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## Operation of Plant:

Salaries	\$4,590.00
Current expenses	26,885.00

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Total	31,475.00
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## Maintenance of Plant:

Salaries	\$6,540.00
Current expenses	5,240.00
Equipment	250.00

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Total	12,030.00
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## Agriculture:

Salaries	\$20,856.00
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Current expenses	19,765.00	
Equipment	850.00	
	<hr/>	
Total	\$41,471.00	
Less Revenue	830.00	
	<hr/>	
New Appropriation		40,641.00
		<hr/>
Total Laconia State School		\$205,899.00

## For New Hampshire State Hospital:

## Administration:

Salary of Superintendent	\$5,000.00	
Salary of Assistant Superintendent		
Superintendent	3,375.00	
Other Salaries	27,125.00	
Current expenses	5,575.00	
Equipment	200.00	
	<hr/>	
Total		\$41,275.00

## Professional Care and Treatment:

Salaries	\$233,063.00	
Current expenses	25,212.50	
Equipment	1,875.00	
	<hr/>	
Total	\$260,150.50	
Less Revenue	3,500.00	
	<hr/>	
Net Appropriation		256,650.50

## Custodial Care:

Salaries	\$68,355.00
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Current expenses	242,035.60	
Equipment	8,750.00	
Total	\$319,140.60	
Less Revenue	2,000.00	
Net Appropriation		317,140.60
Operation of Plant:		
Salaries	\$26,900.00	
Current expenses	90,256.00	
Motor Vehicle	5,000.00	
Equipment	500.00	
Total	\$122,656.00	
Less Revenue	500.00	
Net Appropriation		122,156.00
Maintenance of Plant:		
Salaries	\$45,000.00	
Current expenses	14,375.00	
Equipment	600.00	
Total		59,975.00
Agriculture:		
Salaries	\$15,450.00	
Current expenses	31,789.00	
Motor Vehicle	900.00	
Equipment	1,485.00	
Total	\$49,624.00	
Less Revenue	2,000.00	
Net Appropriation		47,624.00
Total State Hospital		\$803,546.10

## For Soldiers' Home:

## Office of Commander:

Salary of Commandant	\$1,800.00
Clerical expenses	245.00
Current expenses	455.00

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Total	\$2,500.00
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## Custodial Care:

Salaries	\$5,100.00
Current expenses	9,275.00
Equipment	100.00

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Total	14,475.00
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## Professional Care and Treatment:

Salaries	\$3,000.00
Current expenses	800.00

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Total	3,800.00
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## Operation of Plant:

Salaries	\$1,450.00
Current expenses	4,100.00
Equipment	25.00

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Total	5,575.00
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## Maintenance of Plant:

Salaries	\$150.00
Current expenses	3,450.00
Equipment	25.00

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Total	3,625.00
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## Agriculture:

Salaries	\$1,100.00
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Current expenses	825.00	
Equipment	100.00	
		<hr/>
Total		2,025.00
		<hr/>
Total Soldiers' Home		\$32,000.00

## For State Prison:

## Administration:

Salary of Warden	\$3,250.00	
Clerical expenses	3,050.00	
Current expenses	1,575.00	
		<hr/>
Total		\$7,875.00

Instruction		2,000.00
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## Custodial Care:

Salaries	\$35,000.00	
Current expenses	50,400.00	
Equipment	2,000.00	
		<hr/>
Total		87,400.00

## Auxiliary to Prison Care and

## Custody:

Salaries	\$2,500.00	
Current expenses	3,750.00	
Other expenses	1,500.00	
		<hr/>
Total		7,750.00

## Operation of Plant:

Salaries	\$2,940.00	
Current expenses	6,500.00	
		<hr/>
Total		9,440.00

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Maintenance of Plant	4,000.00	
Prison Farm	2,200.00	
Parole Department:		
Salary Parole Officer	\$2,000.00	
Salary Assistant Parole Officer	1,250.00	
Clerical expenses	1,090.00	
Current expenses	2,175.00	
	<hr/>	
Total		6,515.00
		<hr/>
Total State Prison		\$125,180.00

For State Sanatorium:

Administration:		
Salary of Superintendent	\$4,000.00	
Clerical expenses	1,370.00	
Current expenses	1,270.00	
Equipment	335.00	
	<hr/>	
Total		\$6,975.00

Professional Care and Treatment:

Salaries	\$15,675.00	
Current expenses	5,750.00	
Equipment	275.00	
	<hr/>	
Total		21,700.00

Custodial Care:

Salaries	\$9,735.00	
Current expenses	24,525.00	
Equipment	850.00	
	<hr/>	
Total		35,110.00

## Operation of Plant:

Salaries	\$8,110.00
Current expenses	10,500.00
Motor Vehicle	500.00
Equipment	425.00

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Total	19,535.00
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## Maintenance of Plant:

Salaries	\$1,100.00
Current expenses	2,000.00
Equipment	100.00

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Total	3,200.00
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## Agriculture:

Salaries	\$3,050.00
Current expenses	2,150.00
Equipment	150.00

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Total	5,350.00
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Total State Sanatorium	\$91,870.00
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## For State Board of Education:

## Administration:

Salaries	\$39,075.00
Current expenses	13,300.00
Equipment	500.00

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Total	\$52,875.00
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Equalization—State Aid	350,000.00
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Superintendents Salaries (State Share)	100,000.00
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Conferences	1,500.00
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## Vocational Education (Smith-Hughes) :

Salaries	\$3,750.00
Current expenses	1,500.00
Other expenses	100.00

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Total	5,350.00
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## • Vocational Rehabilitation :

Salaries	\$2,200.00
Current expenses	5,300.00
Equipment	500.00

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Total	8,000.00
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## Education of Deaf:

Current expenses	16,500.00
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## George Dean Act:

Salaries	\$2,500.00
Current expenses	1,000.00
Other expenses	1,000.00

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Total	4,500.00
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## Keene Normal School:

Salaries	\$125,479.89
Current expenses	60,770.11
Equipment	3,750.00
Other expenses	1,000.00

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Total	191,000.00
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## Plymouth Normal School:

Salaries	\$71,540.00
Current expenses	44,835.00

Equipment	1,500.00	
Other expenses	300.00	
		<hr/>
Total		118,175.00
		<hr/>
Total Appropriation available for expenditure		\$847,900.00

The revenues, estimated as follows, shall be applied to the above appropriation

Per capita tax	\$158,107.00
Literary fund	42,500.00
Unorganized places	7,862.23
Rebate (\$3.50 tax)	7,811.12

Keene Normal School:

Tuition	28,000.00
Board	68,000.00
Federal-Smith Hughes	6,000.00
Other	1,000.00

Plymouth Norman School:

Tuition	12,000.00
Board	45,875.00
Other	300.00

Total estimated revenue	377,455.35
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Total net estimated appropriation	
State Board of Education	\$470,444.65

In addition to the above appropriation said department shall receive for disbursement the sums paid by school districts for the salaries of superintendents under section 40, chapter 117 of the Public Laws. In this department any balance, excepting the equalization fund, which may be unexpended in any fiscal year,

shall be placed in a special fund available for use for maintenance purposes the following year by and with the consent of the governor and council.

For Board of Health:

Office of Secretary:

Salary of Secretary	\$4,000.00
Clerical expenses	1,800.00
Current expenses	3,375.00
Equipment	100.00

Total	\$9,275.00
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Vital Statistics:

Salaries	\$4,150.00
Current expenses	810.00
Equipment	210.00

Total	5,170.00
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Public Health Nursing:

Salary of Director	\$2,400.00
Clerical expenses	10,400.00
Current expenses	4,335.00

Total	17,135.00
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Control of Venereal Diseases:

Salaries and Fees	\$6,020.00
Current expenses	1,920.00
Equipment	200.00

Total	8,140.00
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Purchase of Antitoxin

1,200.00

Maternal and Child Health:

Clerical expenses	\$1,075.00
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Conference fees	1,000.00	
Current expenses	800.00	
	<hr/>	
Total		2,875.00
Crippled Children's Services:		
Clerical expenses	\$3,550.00	
Current expenses	7,450.00	
	<hr/>	
Total		11,000.00
Laboratory of Hygiene:		
Salary of Director	\$4,000.00	
Clerical expenses	2,782.00	
Salary of Chemists, Bacteri- ologists, and Technician	9,500.00	
Current expenses	4,150.00	
	<hr/>	
Total		20,432.00
Sanitation:		
Salaries of Engineers and Inspectors	8,600.00	
Current expenses	2,850.00	
	<hr/>	
Total		11,450.00
		<hr/>
Total Board of Health		\$86,677.00
For Department of Public Welfare:		
Administration:		
Board		\$4,500.00
Office of Commissioner:		
Salary of Commissioner	\$4,000.00	
Salaries other	17,722.00	

Current expenses	6,945.00	
Equipment	500.00	
Total	\$29,167.00	
Less Revenue	1,400.00	
Net Appropriation		27,767.00
Research and Statistics:		
Clerical expenses	\$5,150.00	
Current expenses	2,325.00	
Equipment	150.00	
Total	7,625.00	
Accounts and Audits:		
Clerical expenses	\$8,260.00	
Current expenses	3,075.00	
Equipment	300.00	
Total		11,635.00
Service:		
Veterans Officer:		
Salary of officers	\$2,000.00	
Current expenses	2,000.00	
Total		4,000.00
Foster Care:		
Clerical expense	\$2,800.00	
Current expense	950.00	
Total		3,750.00
Social Service Index:		
Clerical expenses	\$1,820.00	

Current expenses	425.00	
Equipment	275.00	
Total		2,520.00
Field Services:		
Salaries	\$103,480.00	
Current expenses	49,730.00	
Equipment	2,220.00	
Total	\$155,430.00	
Less Revenues	48,921.68	
Net		106,509.32
Blind Administration and Services:		
Salaries	\$8,850.00	
Current expenses	5,279.00	
Other expenses	1,200.00	
Total		15,329.00
Old Age Assistance		357,711.50
Aid to Dependent Children		203,333.33
Aid to Needy Blind		39,500.00
Workshop of the Blind:		
Salaries	\$6,935.00	
Current expenses	9,740.00	
Total	\$16,675.00	
Less Revenue	12,000.00	
Net		4,675.00
Aid to Tuberculosis Persons		78,000.00
Education of Blind		9,000.00

Sight Conservation	4,000.00
Civilian Conservation Corp	1,200.00

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Total	881,054.15
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Less-Old Year Balance	67,500.00
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Total Department of Public Welfare	\$813,554.15
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In this department any balances which may be unexpended shall not lapse, but shall be for the further use of the department.

For John Nesmith Fund	\$3,700.00
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For Bank Commission:

Salary of Commissioner	\$5,000.00
Salary of Deputies	6,000.00
Clerical expenses	19,575.00
Current expenses	11,408.00
Equipment	125.00

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Total	\$42,108.00
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Less Revenue	2,000.00
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Net Appropriation	\$40,108.00
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For Cancer Commission:

Professional Service

Clerical expenses

Current expenses

Equipment

Total Cancer Commission	\$30,000.00
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For State Planning and Development Commission:

Development Division:

Salary of Publicity Director	\$4,000.00
Clerical expense	11,526.00
Current expenses	45,074.00
Equipment	500.00
Other expenses	150.00

Total	<u>\$61,250.00</u>
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Less Revenues	<u>1,250.00</u>
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Total	<u>\$60,000.00</u>
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Division of Industrial Promotion:

Salaries	\$6,350.00
Current expenses	3,550.00
Equipment	100.00

Total	<u>10,000.00</u>
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World's Poultry Congress	5,000.00
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To be spent in co-operation with the New Hampshire Poultry Growers' Association for advertising New Hampshire Poultry at the 1939 World's Poultry Congress.

*Regional Associations	12,500.00
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\* This appropriation shall be administered by the State Planning and Development Commission for the aid of regional development associations. Not more than \$2,500.00 may be allotted by the Commission to any one regional association whose bounds, form of organization and program shall first have been approved by the Commission. Any unexpended portion of this appropriation shall lapse and shall not be transferred to any other state appropriation.

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* Tourist Service		4,000.00
Planning Division :		
Salary of Director	\$4,000.00	
Clerical expenses	15,322.00	
Current expenses	4,842.00	
Equipment	750.00	
	<hr/>	
Total	\$24,914.00	
Less Revenue	500.00	
	<hr/>	
Net Appropriation		24,414.00
Land Use Board		500.00
		<hr/>
Total Planning and Development Commission		\$115,914.00

For Public Library Commission :

Office of Commission :		
Salary of Secretary	\$2,000.00	
Clerical expenses	7,380.00	
Current expenses	825.00	
Equipment	250.00	
	<hr/>	
Total		10,455.00
Traveling Libraries :		
Current expenses	\$675.00	
Books	2,000.00	
	<hr/>	
Total		2,675.00
Institutes		500.00
Field work		1,265.00
State aid		1,000.00
		<hr/>
Total Public Library Commission		\$15,895.00



## For Public Service Commission :

Salaries 3 Commissioners	\$15,000.00	
Engineers, legal fees, experts and Clerical expenses	44,050.00	
Current expenses	24,880.00	
Equipment	3,300.00	
Other expenses	25.00	
	<hr/>	
Total	\$87,255.00	
Less Revenue	22,500.00	
	<hr/>	
Total Public Service Commission		\$64,755.00

## For State Tax Commission :

## Office of Commission :

Salary 3 Commissioners	\$10,000.00	
Clerical expenses	9,800.00	
Current expenses	7,775.00	
Equipment	400.00	
	<hr/>	
Total		27,975.00

## Municipal Accounting :

Salary of Accountant	\$2,000.00	
Clerical expenses	6,200.00	
Current expenses	3,550.00	
Equipment	250.00	
	<hr/>	
Total		12,000.00

## Assessment of Intangible Tax :

Clerical expenses	\$7,580.00
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Current expenses	2,300.00
Equipment	200.00

Total	<u>\$10,080.00</u>
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Less Revenue	<u>10,080.00</u>
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Net Appropriation	00.00
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Assessment of Gas and Electric

Utilities Tax:

Clerical expenses	\$2,400.00
Current expenses	175.00

Total	<u>\$2,575.00</u>
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Less Revenue	<u>2,575.00</u>
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Net Appropriation	00.00
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Total State Tax Commission	<u>\$39,975.00</u>
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For Milk Control Board:

Salaries	\$7,711.00
Current expenses	4,189.00
Equipment	100.00

Total Milk Control Board	<u>12,000.00</u>
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For Probation Department:

Salary of Director	\$4,000.00
Salaries of not more than 6	
Probation Officers	12,200.00
Salary of Psychiatrist	2,500.00
Clerical expenses	5,250.00
Current expenses	11,200.00

Equipment	850.00	
Conferences and Training	500.00	
		<hr/>
Total Probation Department		36,500.00
For Water Control Commission:		5,900.00
For *Steam Flow Gauging Stations	\$7,250.00	
Less transfer from highway funds	2,750.00	
		<hr/>
Net Appropriation		4,500.00
For Pharmacy Commission		3,000.00
For Board of Optometry		735.00
For Board of Chiropractic Examiners		700.00
For Registration of Veterinary Surgeons		100.00
For Commission of Arts and Crafts		10,000.00
For Teachers' Retirement Board		20,000.00
For Fish and Game Depart- ment	\$230,000.00	
Less estimated revenue	230,000.00	
		<hr/>
Net appropriation		00.00

In addition to the above appropriation the Fish and Game Department shall receive for disbursement any income of the Fish and Game fund, in excess of the above estimate; provided, however, that if said income of the fish and game fund is less than the above estimate of \$230,000.00, a sum sufficient to make the total equal \$230,000.00, is hereby appropriated from the general funds.

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\* Of the sum herein appropriated for stream flow gauging stations, the sum of \$2,750.00 shall be a charge upon the highway funds.

In addition to the sums hereinbefore appropriated there is hereby appropriated the sum of thirty thousand dollars (\$30,000.00), or such part of said sum as may be necessary for the State House Annex Sinking fund. As provided in Sec. 6, Chap. 172 of the Laws of 1937.

Any unexpended balance of this appropriation shall lapse and shall not be transferred to any other state appropriation.

The report was accepted.

The reading of the amendments having commenced, on motion of Mr. Elkins of Concord further reading of the amendments were dispensed with.

The amendments were then laid on the table to be printed.

Mr. Sanderson of Pittsfield, for the Committee on Appropriations, to whom was referred House Bill No. 324, An act making appropriation for the expenses of the state of New Hampshire for the year ending June 30, 1941, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass, and with this recommendation pending be laid on the table to be printed.

Amend said House Bill No. 324 by striking out all after the enacting clause and inserting in place thereof the following:

1. *Appropriations.* The sums hereafter mentioned are appropriated to be paid out of the treasury of the state for the purposes specified for the fiscal year ending June 30, 1941, to wit:

A continuing appropriation which shall not lapse, shall not be transferred to any other department, institution or account, and which shall be for the expenses of the legislature only.

\$135,000.00

State Government Association

250.00

## For the Executive Department:

Office of Governor:	
Salary of Governor	\$5,000.00
Salary of Governor's	
Secretary	3,000.00
Clerical expense	6,140.00
Current expenses	4,425.00
Equipment	200.00
<hr/>	
Total Office of Governor	18,765.00
Council per diem and expenses	8,000.00
Per diem compensation and expenses of the Council shall be paid from this fund and no compensation or expenses shall be paid from any other State Funds.	
Contingent Fund	5,000.00
Emergency fund for protection of interests of the state	40,000.00
<hr/>	
Total Executive Department	\$71,765.00

## For Judicial Branch:

Supreme Court:	
Salaries of Supreme Court	
Justices	\$35,000.00
Clerical expenses of Supreme	
Court	4,650.00
Current expense	4,200.00
Printing and Binding N. H.	
Reports	3,500.00
Examination of Law Students	300.00
<hr/>	
Total Supreme Court	\$47,650.00

## Superior Court:

Salaries of Superior Court Justices	\$42,000.00	
Current expenses of Superior Court	8,000.00	
	<hr/>	
Total Superior Court		50,000.00

## Probate Court:

Salaries of Probate Court Judges	\$17,600.00	
Salaries of Probate Court Registers and Deputies	20,300.00	
	<hr/>	
Total Probate Court		37,000.00
		<hr/>
Total Judicial Branch		\$135,550.00

## For Adjutant-General's Department:

## Office of the Adjutant-General:

Salary of Adjutant-General	\$4,000.00	
Clerical expenses	3,500.00	
Current expenses	600.00	
	<hr/>	
Total Office of Adjutant-General		\$8,100.00

## National Guard:

Salaries	\$40,000.00	
Current expenses	12,350.00	
	<hr/>	
Total		52,350.00

## Armories:

Salaries Janitors	\$12,440.00	
Current expenses	20,560.00	
	<hr/>	
Total		33,000.00



Rifle Ranges	960.00
Officers' Uniforms	2,800.00

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Total Adjutant-General's Department	\$97,210.00
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## For Department of Agriculture:

Office of Commissioner:	
Salary of Commissioner	\$3,500.00
Salary of Deputy Commissioner	2,750.00
Clerical expenses	4,165.00
Current expenses	2,152.00
Equipment	100.00
Total	\$12,667.00

Institutes and Public Meetings	1,060.00
Granite State Dairyman's Association	500.00
New Hampshire Horticultural Society	1,000.00
New Hampshire Sheep Breeders' Association	250.00
Nursery Inspection	800.00
Feeding Stuffs Inspection	5,000.00
Fertilizer Inspection	1,864.00
Seed Inspection	1,050.00
Insecticides and Fungicides	200.00
Apiary Law	300.00

## Insect suppression:

Salary of Deputy Commissioner	\$1,600.00
Salaries of Clerks and Assistants	7,865.00
Current expenses	1,985.00
Equipment	150.00
Total	11,600.00

Dairy Inspection:		
Salary of Inspector	\$2,400.00	
Current expenses	1,100.00	
	<hr/>	
Total	3,500.00	
Licensing Milk Dealers		500.00
Fair Exhibits		500.00
Bureau of Markets:		
Salaries	\$3,075.00	
Current expenses	750.00	
Equipment	25.00	
	<hr/>	
Total		3,850.00
Crop reporting services		1,000.00
Printing and Mailing the Bulletin		5,000.00
Labeling services		500.00
Apple Grading		800.00
Egg Inspection:		
Salary of Inspector	\$1,700.00	
Current expenses	1,575.00	
Equipment	25.00	
	<hr/>	
Total		3,300.00
Division of Animal Industry:		
Salary of State Veteri-		
narian	\$3,500.00	
Clerical expenses	9,996.00	
Current expenses	3,700.00	
Veterinarians' services	57,560.00	
Expenses of Veterinarians	3,000.00	
Testing fees	15,000.00	
	<hr/>	
Total		90,056.00
		<hr/>
Total Department of Agriculture		\$145,297.00

## For Attorney-General's Department:

Salary of Attorney-General	\$4,000.00	
Salary of Assistant Attorney-General	4,000.00	
Salary of Chief Clerk	2,000.00	
Salary of Law Clerk	1,800.00	
Salary of Research Clerk	2,000.00	
Clerical expenses	6,300.00	
Current expenses	3,705.00	
Equipment	400.00	
Fees to Registers of Probate	4,250.00	
Legacy Tax expenses	1,200.00	
<hr/>		
Total Attorney-General's Department		\$29,655.00

## For Comptroller's Department:

Salary of Comptroller	\$5,000.00	
Salary of Assistant Comptroller	3,300.00	
Clerical expenses	15,337.50	
Current expenses	2,500.00	
Equipment	200.00	
<hr/>		
Total		\$26,337.50
Granite State Deaf Mute Mission	150.00	
Old Home Week Association	300.00	
New Hampshire Historical Society	500.00	
Military Organizations	200.00	
Fireman's Relief Fund	4,000.00	
Prisoners' Aid Association	600.00	
New Hampshire Veterans' Association	1,500.00	
<hr/>		
Total Comptroller's Department		\$33,587.50

## For Forestry and Recreation Department:

## Administration:

Salary of State Forester	\$3,500.00
Salary of Assistant State Forester	2,500.00
Clerical expense	8,100.00
Current expenses	4,535.00
Equipment	100.00

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Total	\$18,735.00
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## Nursery:

Salaries	\$5,000.00
Current expenses	2,240.00
Equipment	200.00

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Total	7,440.00
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## Reforestation:

## District Chiefs:

Salaries	\$4,465.00
Current expenses	2,650.00

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Total District Chiefs	7,115.00
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Lookout Stations	10,000.00
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Prevention of Fires	4,800.00
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Forest Fire Bills to Towns	7,500.00
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## White Pine Blister Rust Eradication

Salaries	\$3,750.00
Current expenses	288.00
Equipment	100.00

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Total	4,138.00
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## Recreation

Salary of Director	\$2,200.00
Seasonal Personal	21,223.00

Current expenses	9,313.00	
Equipment	3,720.00	
Total	\$36,456.00	
Less Estimated Revenue	20,375.00	
Net Appropriation		16,081.00
Co-operation Federal Emergency Program		5,000.00
Total Forestry and Recreation		\$83,709.00
For G. A. R.		\$600.00
For Insurance Department:		
Salary of Commissioner	\$5,000.00	
Salary of Deputy Commissioner	1,800.00	
Salary of Examiner	2,500.00	
Clerical expenses	8,800.00	
Current expenses	4,000.00	
Total		\$22,100.00
For Bureau of Labor:		
Office of Commissioner:		
Salary of Commissioner	\$3,000.00	
Clerical expenses	5,100.00	
Current expenses	3,150.00	
Equipment	200.00	
Total		\$11,450.00
Minimum Wage Division:		
Salary of Director	\$2,400.00	
Salaries of 4 Investigators	6,000.00	

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Clerical expense	3,250.00
Current expense	7,000.00

Total	18,650.00
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Interstate Compacts	100.00
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Factory Inspection:

Inspectors	\$6,300.00
Clerical expenses	1,300.00
Current expenses	3,500.00
Equipment	100.00

Total	11,200.00
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National Employment Office:

Salaries Managers	\$10,340.00
Current expenses	4,660.00

Total	15,000.00
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Total Bureau of Labor	\$56,400.00
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For Purchasing Agent:

Salary of Purchasing Agent	\$4,000.00
Clerical expenses	8,750.00
Current expenses	2,060.00
Equipment	200.00

Total	\$15,010.00
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For State Department:

Office of Secretary:

Salary of Secretary	4,000.00
Salary of Deputy Secretary	2,700.00
Clerical expenses	9,275.00



Current expenses	2,200.00	
Equipment	150.00	
		<hr/>
Total		\$18,325.00
Copying Ancient Records		2,640.00
State and Provincial Records		3,740.00
Direct Primary		10,740.00
Presidential Primary		7,000.00
Australian Ballot		7,075.00
		<hr/>
Total State Department		\$49,520.00

## For State House Department:

Salary of Superintendent	\$2,500.00	
Other Salaries	51,952.00	
Current expenses	45,750.00	
Equipment	600.00	
State Library Maintenance	9,289.00	
Franklin Pierce Homestead		
Maintenance	400.00	
Daniel Webster Birthplace		
Maintenance	735.00	
		<hr/>
Total		\$111,226.00

## For State Library:

Salary of Librarian	\$2,500.00	
Salary of Cataloger	1,800.00	
Clerical expenses	8,356.00	
Current expenses	3,600.00	
Books	7,500.00	
Equipment	775.00	
		<hr/>
Total		\$24,531.00

## For State Police:

Salary of Superintendent	\$4,000.00	
Salary of Deputy Superintendent	3,500.00	
Salaries—Other	106,670.00	
Clerical expenses	5,880.00	
Current expenses	62,900.00	
Equipment	15,200.00	
		<hr/>
Total	\$198,150.00	
Less M. V. Revenue	150,000.00	
		<hr/>
Net Appropriation		\$48,150.00

Of the above appropriation the sum of \$150,000 shall be a charge upon the funds received by the State Treasurer from fees collected by the Motor Vehicle department from registration and licensing motor vehicles and operators, and the sum of \$48,150 shall be a charge upon the general funds of the treasury.

## For Treasury Department:

## Office of Treasury:

Salary of Treasurer	\$4,000.00	
Salary of Deputy Treasurer	2,700.00	
Clerical expenses	14,275.00	
Current expenses	5,775.00	
		<hr/>
Total		\$26,750.00

## Trust Obligations:

Teachers' Institutes	\$2,388.93
Benjamin Thompson Fund	31,887.27
Agricultural College Fund	4,800.00
Hamilton Smith Fund	400.00

Kimball Legacy	270.14	
Fiske Legacy	1,055.14	
	<hr/>	
Total		40,801.48
Intangible Tax Division:		
Clerical expenses	\$1,950.00	
Current expenses	410.00	
	<hr/>	
Total	\$2,360.00	
Less Revenue	2,360.00	
	<hr/>	
Net Appropriation		00.00
Bounties		5,500.00
Burial of Soldiers and Sailors		8,500.00
Collection of Gasoline Tax:		
Salary of Inspector	\$2,000.00	
Clerical expenses	950.00	
Current expenses	845.00	
Equipment	200.00	
	<hr/>	
Total	\$3,995.00	
Less Revenue	3,995.00	
	<hr/>	
Net Appropriation		00.00
		<hr/>
Total Treasury Department		\$81,551.48

## For weights and Measures:

Salary of Commissioner	\$3,000.00
Salaries of not more than 4	
Inspectors	8,000.00
Clerical expenses	1,050.00

Current expenses	5,225.00	
Equipment	100.00	
	<hr/>	
Total		17,375.00

## For University of New Hampshire:

Maintenance Chapter 180, Section 18	\$553,390.50	
Extension Work under the Smith-Lever Act. (Section 23, Chapter 180, of the Public Laws, etc.)	36,000.00	
	<hr/>	
Total		589,390.50

Section 23, Chapter 180 of the Public Laws is hereby suspended for the fiscal year ending June 30, 1941.

## For Industrial School:

## Administration:

Salary of Superintendent	\$4,000.00	
Salary of Assistant Superintendent	2,600.00	
Clerical expenses	2,880.00	
Current expenses	2,200.00	
	<hr/>	
Total		11,680.00

## Instruction:

Salaries	\$5,580.00	
Current expenses	150.00	
Equipment	175.00	
	<hr/>	
Total		5,905.00

## Custodial Care:

Salaries	\$18,970.00	
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Current expenses	17,800.00	
Equipment	2,000.00	
	<hr/>	
Total		38,770.00
Auxiliary to Custodial Care		550.00
Operation of Plant:		
Salaries	\$1,680.00	
Current expenses	13,015.00	
	<hr/>	
Total		14,695.00
Maintenance of Plant:		
Salaries	\$3,120.00	
Current expenses	1,350.00	
Equipment	500.00	
	<hr/>	
Total		4,970.00
Agriculture:		
Salaries	\$3,265.00	
Current expenses	6,800.00	
Equipment and stock	1,000.00	
	<hr/>	
Total		11,065.00
Parole Officers:		
Salaries	\$950.00	
Current expenses	1,300.00	
Equipment	100.00	
	<hr/>	
Total		2,350.00
		<hr/>
Total Industrial School		\$89,985.00
For Laconia State School:		
Administration:		
Salary of Superintendent	\$4,000.00	

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Clerical expenses	8,224.00
Current expenses	2,888.00
Equipment	110.00

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Total	15,222.00
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Professional Care and Treatment:

Salaries	\$45,345.00
Current expenses	3,210.00
Equipment	250.00

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Total	48,805.00
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Custodial Care:

Salaries	\$11,800.00
Current expenses	45,000.00
Equipment	1,250.00

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Total	58,050.00
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Operation of Plant

Salaries	\$4,590.00
Current expenses	26,885.00

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Total	31,475.00
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Maintenance of Plant:

Salaries	\$6,540.00
Current expenses	5,240.00
Equipment	250.00

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Total	12,030.00
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Agriculture:

Salaries	\$20,856.00
Current expenses	19,565.00



Motor vehicles	4,000.00	
Equipment	850.00	
Total	\$45,271.00	
Less Revenue	830.00	
Net Appropriation		44,441.00
Total <u>Laconia State School</u>		\$210,023.00

## For New Hampshire State Hospital:

## Administration:

Salary of Superintendent	\$5,000.00	
Salary of Assistant Superintendent	3,375.00	
Other salaries	27,625.00	
Current expenses	6,110.00	
Equipment	250.00	
Total		42,360.00

## Professional Care and Treatment:

Salaries	\$239,370.00	
Current expenses	25,890.50	
Equipment	1,875.00	

Total	\$267,135.50	
Less Revenue	3,500.00	
Net Appropriation		263,635.50

## Custodial Care:

Salaries	\$69,455.00	
Current expenses	249,016.20	

Motor vehicles	900.00	
Equipment	9,500.00	
Total	\$328,871.20	
Less Revenue	2,000.00	
Net Appropriation		326,871.20
Operation of Plant:		
Salaries	\$26,900.00	
Current expenses	90,522.00	
Equipment	900.00	
Total	\$118,322.00	
Less Revenue	500.00	
Net Appropriation		117,822.00
Maintenance of Plant:		
Salaries	\$45,000.00	
Current expenses	14,375.00	
Equipment	600.00	
Total		59,975.00
Agriculture:		
Salaries	\$15,450.00	
Current expenses	31,689.00	
Equipment	1,685.00	
Total	\$48,824.00	
Less Revenue	2,000.00	
Net Appropriation		46,824.00
Total State Hospital		\$857,487.70

## For Soldiers Home:

## Office of Commander:

Salary of Commander	\$1,800.00
Clerical expenses	245.00
Current expenses	455.00

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Total	2,500.00
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## Custodial Care:

Salaries	\$5,100.00
Current expenses	9,275.00
Equipment	100.00

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Total	14,475.00
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## Professional Care and Treatment:

Salaries	\$3,000.00
Current expenses	800.00

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Total	3,800.00
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## Operation of Plant:

Salaries	\$1,450.00
Current expenses	4,100.00
Equipment	25.00

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Total	5,575.00
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## Maintenance of Plant:

Salaries	\$150.00
Current expenses	3,450.00
Equipment	25.00

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Total	3,625.00
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## Agriculture:

Salaries	\$1,100.00
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Current expenses	825.00	
Equipment	100.00	
Total		2,025.00
Total Soldiers' Home		\$32,000.00

## For State Prison:

## Administration:

Salary of Warden	\$3,250.00	
Clerical expenses	3,050.00	
Current expenses	1,575.00	
Total		7,875.00

Instruction 2,000.00

## Custodial Care:

Salaries	\$35,000.00	
Current expenses	50,400.00	
Equipment	1,500.00	
Total		86,900.00

## Auxiliary to Prison Care and

## Custody:

Salaries	\$2,500.00	
Current expenses	3,750.00	
Other expenses	1,500.00	
Total		7,750.00

## Operation of Plant:

Salaries	\$2,940.00	
Current expenses	6,500.00	
Total		9,440.00

Maintenance of Plant 4,000.00

Prison Farm 2,200.00

## Parole Department:

Salary Parole Officer	\$2,000.00
Salary Assistant Parole Officer	1,300.00
Clerical expenses	1,140.00
Current expenses	2,175.00

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Total	6,615.00
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Total State Prison	\$124,780.00
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## For State Sanatorium:

## Administration:

Salary of Superintendent	\$4,000.00
Clerical expenses	1,420.00
Current expenses	1,520.00
Equipment	250.00

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Total	7,190.00
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## Professional Care and Treatment:

Salaries	\$15,875.00
Current expenses	5,750.00
Equipment	200.00

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Total	21,825.00
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## Custodial Care

Salaries	\$9,735.00
Current expenses	24,525.00
Equipment	200.00

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Total	34,460.00
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## Operation of Plant:

Salaries	\$8,110.00
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Current expenses	10,500.00	
Equipment	250.00	
	<hr/>	
Total		18,860.00

## Maintenance of Plant:

Salaries	\$1,100.00	
Current expenses	2,000.00	
Equipment	100.00	
	<hr/>	
Total		3,200.00

## Agriculture:

Salaries	\$3,050.00	
Current expenses	2,150.00	
Equipment	150.00	
	<hr/>	
Total		5,350.00

Total State Sanitarium	<hr/>	\$90,885.00
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## For State Board of Education:

## Administration:

Salaries	\$39,475.00	
Current expenses	14,300.00	
Equipment	500.00	
	<hr/>	
Total		54,275.00

Equalization—State Aid	350,000.00
Superintendents Salaries—State share	100,000.00
Conferences	1,500.00

## Vocational education (Smith-Hughes):

Salaries	\$3,950.00	
Current expenses	1,500.00	
Other expenses	100.00	
	<hr/>	
Total		5,550.00



## Vocational Rehabilitation:

Salaries	\$2,300.00
Current expenses	7,000.00
Equipment	700.00

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Total	10,000.00
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## Education of Deaf:

Current expenses	16,500.00
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## George Deen Act:

Salaries	\$2,500.00
Current expenses	1,000.00
Other expenses	1,000.00

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Total	4,500.00
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## Keene Normal School:

Salaries	\$122,158.89
Current expenses	60,400.00
Equipment	3,750.00
Other expenses	750.00

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Total	187,058.89
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## Plymouth Normal School:

Salaries	\$77,300.00
Current expenses	50,300.00
Equipment	1,500.00
Other expenses	2,300.00

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Total	131,400.00
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Total Appropriation Available for  
Expenditure

860,783.89

The revenues, estimated as follows, shall  
be applied to the above appropriation:

Per capita tax	\$156,000.00
Literary fund	42,500.00

Unorganized Places	7,862.23
Rebate (\$3.50 tax)	7,811.12

## Keene Norman School:

Tuition	27,000.00
Board	65,000.00
Federal-Smith-Hughes	6,000.00
Other receipts	1,000.00

## Plymouth Normal School:

Tuition	12,000.00
Board	60,875.00
Other receipts	300.00

Total Estimated Revenue	386,348.35
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## Total net Estimated Appropriation

State Board of Education	\$474,435.54
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In addition to the above appropriation said department shall receive for disbursement the sums paid by school districts for the salaries of superintendents under Section 40, Chapter 117 of the Public Laws. In this department any balance, excepting the equalization fund, which may be unexpended in any fiscal year, shall be placed in a special fund available for use for maintenance purposes the following year by and with the consent of the Governor and Council.

## For Board of Health:

## Office of Secretary:

Salary of Secretary	\$4,000.00
Clerical expenses	1,800.00
Current expense	3,650.00
Equipment	100.00

Total	\$9,550.00
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## Vital Statistics:

Salaries	\$4,250.00
Current expenses	810.00

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Total	5,060.00
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## Public Health Nursing:

Salary of Director	\$2,400.00
Clerical expenses	10,600.00
Current expenses	4,335.00

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Total	17,335.00
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## Control of Venereal Diseases:

Salaries and fees	\$6,070.00
Current expenses	1,920.00
Equipment	200.00

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Total	8,190.00
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## Purchase of Antitoxin

1,200.00

## Maternal and Child Health:

Clerical expenses	\$1,125.00
Conference fees	1,000.00
Current expenses	550.00

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Total	2,675.00
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## Crippled Childrens' Services:

Clerical expenses	\$3,600.00
Current expenses	7,400.00

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Total	11,000.00
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## Laboratory of Hygiene:

Salary of Director	\$4,000.00
Clerical expenses	2,882.00

Salary of Chemists, Bacteri- ologists and Technician	9,800.00
Current expenses	4,150.00

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Total	20,832.00
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## Sanitation:

Salaries of Engineers and Inspectors	\$8,600.00
Current expenses	2,850.00

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Total	11,450.00
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Total Board of Health	\$87,292.00
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## For Department of Public Welfare:

## Administration:

Board	\$4,500.00
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## Office of Commissioner:

Salary of Commissioner	\$4,000.00
Salaries—Other	18,122.00
Current expenses	7,820.00
Equipment	600.00

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Total	\$30,542.00
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Less revenue	1,400.00
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Net Appropriation	29,142.00
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## Research and Statistics:

Clerical expenses	\$5,275.00
Current expenses	2,325.00
Equipment	60.00

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Total	7,660.00
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## Accounts and Audits:

Clerical expenses	\$8,610.00
Current expenses	3,250.00
Equipment	400.00

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Total	12,260.00
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## Service:

## Veterans Officer:

Salary of Officer	\$2,000.00
Current expenses	2,000.00

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Total	4,000.00
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## Foster Care:

Clerical expenses	\$2,900.00
Current expenses	950.00

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Total	3,850.00
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## Social Service Index:

Clerical expenses	\$1,920.00
Current expenses	450.00
Equipment	35.00

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Total	2,405.00
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## Field Service:

Salaries	\$125,780.00
Current expenses	57,570.00
Equipment	2,195.00

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Total	\$185,545.00
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Less revenue	60,842.48
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Net Appropriation	124,702.52
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Blind Administration and  
Services:

Salaries	\$9,100.00
Current expenses	5,279.00
Other expenses	1,200.00

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Total	15,579.00
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Old Age Assistance	493,924.75
Aid to Dependent Children	203,333.33
Aid to Needy Blind	41,200.00

## Workshop for the Blind:

Salaries	\$6,935.00
Current expenses	9,740.00

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Total	\$16,675.00
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Less revenue	12,000.00
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Net Appropriation	4,675.00
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Aid to Tuberculous Persons	78,000.00
Education of Blind	9,000.00
Sight Conservation	4,000.00
Civilian Conservation Corps	1,250.00

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Total Department of Public  
Welfare

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\$1,039,481.60
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In this department any balances which may be unexpended shall not lapse, but shall be for the further use of the department.

For John Nesmith Fund	\$3,700.00
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## For Bank Commission:

Salary of Bank Commissioner	\$5,000.00
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Salaries of Deputy Commissioners	6,000.00	
Clerical expenses	19,600.00	
Current expenses	11,208.00	
Equipment	125.00	
		<hr/>
Total	\$41,933.00	
Less revenue	2,000.00	
		<hr/>
Net Appropriation		\$39,933.00

## For Cancer Commission:

Professional service	.....	
Clerical expenses	.....	
Current expenses	.....	
Equipment	.....	
		<hr/>
Total Cancer Commission		\$30,000.00

## For State Planning and Development Commission:

Development Division:		
Salary of Publicity Director	\$4,000.00	
Clerical expenses	11,976.00	
Current expenses	45,074.00	
Equipment	500.00	
Other expenses	150.00	
		<hr/>
Total	\$61,700.00	
Less revenue	1,250.00	
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Net Appropriation		60,450.00

## Division of Industrial Promotion

Salaries	\$6,400.00
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Current expenses	3,500.00
Equipment	100.00

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Total	10,000.00
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*Regional Associations	12,500.00
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Tourist service	4,000.00
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Planning Division:

Salary of Director	\$4,000.00
Clerical expenses	15,872.00
Current expenses	4,842.00
Equipment	750.00

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Total	\$25,464.00
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Less revenue	500.00
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Net Appropriation	24,964.00
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Land Use Board	500.00
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Total Planning and Development Commission	\$112,414.00
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For Public Library Commission:

Office of Commission:

Salary of Secretary	\$2,000.00
Clerical expenses	7,630.00
Current expenses	975.00
Equipment	250.00

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Total	10,855.00
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\* This appropriation shall be administered by the State Planning and Development Commission for the aid of regional development associations. Not more than \$2,500 may be allotted by the Commission to any one regional association whose bounds, form or organization and program shall first have been approved by the Commission. Any unexpended portion of this appropriation shall lapse and shall not be transferred to any other state appropriations.

## Traveling Libraries:

Current expenses	\$675.00
Books	2,000.00

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Total	2,675.00
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Institutes	500.00
Field Work	1,265.00
State Aid	1,000.00

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Total Public Library Commission	\$16,295.00
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## For Public Service Commission:

Salaries—Three Commissioners	\$15,000.00
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Engineers, Legal Fees, Experts and Clerical expense	45,300.00
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Current expenses	25,630.00
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Equipment	2,300.00
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Other expenses	25.00
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Total	\$88,255.00
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Less revenue	21,400.00
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Total Public Service Commission	\$66,855.00
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## For State Tax Commission:

## Office of Commission:

Salary—Three Commissioners	\$10,000.00
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Clerical expenses	9,800.00
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Current expenses	6,875.00
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Equipment	400.00
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Total	\$27,075.00
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## Municipal Accounting:

Salary of Accountant	\$2,000.00
Clerical expenses	6,350.00
Current expenses	3,550.00
Equipment	250.00

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Total	12,150.00
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## Assessment of Intangible Tax:

Clerical expenses	\$7,680.00
Current expenses	2,300.00
Equipment	200.00

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Total	\$10,180.00
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Less revenue	10,180.00
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Net Appropriation	0.00
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## Assessment of Gas &amp; Electric

## Utilities Tax:

Clerical expenses	\$2,450.00
Current expenses	175.00

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Total	\$2,625.00
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Less revenue	2,625.00
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Net Appropriation	0.00
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Total State Tax Commission	\$39,225.00
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## For Milk Control Board:

Salaries	\$7,811.00
Current expenses	4,089.00
Equipment	100.00

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Total Milk Control Board	\$12,000.00
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## For Probation Department:

Salary of Director	\$4,000.00	
Salaries of not more than 7 Probation Officers	14,400.00	
Salary of Psychiatrist	2,500.00	
Clerical expenses	6,350.00	
Current expenses	12,000.00	
Equipment	200.00	
Conferences and Training	500.00	
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Total Probation Department		\$39,950.00
For Water Control Commission		\$5,900.00
For (*) Stream Flow Gauging Stations	\$7,250.00	
Less Transfer from Highway Funds	2,750.00	
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Net Appropriation		4,500.00
For Pharmacy Commission		3,000.00
For Board of Optometry		735.00
For Chiropractic Examiners		700.00
For Registration of Veterinary Surgeons		100.00
For Commission of Arts and Crafts		10,000.00
For Teachers Retirement Board		20,000.00
For Fish & Game Department	\$230,000.00	
Less estimated revenue	230,000.00	
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Net Appropriation		0.00

In addition to the above appropriation the Fish and Game Department shall receive for disbursement any

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\* Of the sum herein appropriated for stream flow gauging stations, the sum of \$2,750 shall be a charge upon the Highway Funds.

income of the Fish and Game fund, in excess of the above estimate; provided, however that if said income of the fish and game fund is less than the above estimate of \$230,000 a sum sufficient to make the total equal \$230,000 is hereby appropriated from the general funds.

In addition to the sums hereinbefore appropriated there is hereby appropriated the sum of thirty thousand dollars (\$30,000), or such part of said sum as may be necessary for the State House Annex Sinking Fund. As provided in Sec. 6, Chap. 172 of the laws of 1937.

Any unexpended balance of this appropriation shall lapse and shall not be transferred to any other state appropriation.

The report was accepted.

The reading of the amendments having commenced, on motion of Mr. Elkins of Concord further reading of the amendments were dispensed with.

The amendments were then laid upon the table to be printed.

On motion of Mr. Elkins of Concord, the Clerk was instructed to mail the members a copy of the budget bills, as amended.

On motion of Mr. Wadleigh of Milford the rules were suspended to allow for the presentation of a committee report which had not previously been advertised in the Journal.

Mr. Normandin of Laconia, for the Committee on Judiciary, to whom was referred House Bill No. 225, An act establishing a merit system of personnel administration for state employees, reported the same, in new draft, with the recommendation that the bill, in its new draft, be printed and recommitted to the Committee on Judiciary.



The report was accepted, the bill read a first and second time, laid upon the table to be printed and re-committed to the Committee on Judiciary.

Mr. Barnard of Manchester, for the Committee on Revision of Statutes, to whom was referred House Bill No. 88, An act relative to insurance policies of old age assistance recipients, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted.

Mr. Sherry of Dover moved that the bill and its accompanying report be laid upon the table and made a special order for Tuesday, April 25 at 11:01 o'clock.

The question being on the motion of Mr. Sherry.

(Discussion ensued)

Mr. Barnard of Manchester spoke for the motion.

On a *viva voce* vote the motion prevailed.

### Message from the Senate

A message from the Honorable Senate by its Clerk announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bills sent up from the House of Representatives:

House Bill No. 200, An act relative to dealers or manufacturers of motor boats and outboard motors.

House Bill No. 359, An act relating to the issuance of no par value stock by cooperative marketing associations.

The message further announced that the Senate had voted to adopt the report of the Committee of Conference on:

House Bill No. 139, An act relative to the payment of poll taxes.

The message further announced that the Senate had refused to concur with the House of Representatives

in the passage of the following entitled bill, sent up from the House of Representatives:

House Bill No. 69, An act relating to fees for permits and licenses for boxing and wrestling bouts.

The message also announced that the Senate had passed a bill with the following title, in the passage of which it asked the concurrence of the House of Representatives:

Senate Bill No. 57, An act relative to the use of number plates on motor vehicles.

### **Senate Bill Read and Referred**

Senate Bill No. 57, An act relative to the use of number plates on motor vehicles.

Read a first and second time, and referred to the Committee on Judiciary.

On motion of Mr. Fernald of Dover business in order at 3 o'clock was made in order at the present time.

### **Third Readings**

On motion of Mr. Fernald of Dover, the rules were suspended and the third readings of bills by their titles made in order.

House Bill No. 347, An act exempting the members of the National Guard from the provisions of the act relative to financial responsibility in motor vehicle accidents.

House Bill No. 381, An act relative to the maintenance of roads within certain state reservations.

Severally read a third time and passed and sent to the Senate for concurrence.

Senate Bill No. 42, An act relative to operation of motor tractors by unlicensed operators.

Read a third time and passed and sent to the Senate for concurrence in the amendment.

On motion of Mr. Pray of Rochester at 11:43 o'clock the House adjourned.

SATURDAY, APRIL 22, 1939.

The House met at 10:00 o'clock.

The following letter was read by the Clerk:

Saturday, April 22, 1939.

Mr. George H. Nash,  
Concord, N. H.

DEAR SIR:

I shall be unable to attend the session on Saturday morning. Will you kindly preside for me and oblige.

Yours respectfully,

ANSEL N. SANBORN,  
*Speaker.*

There being no quorum present at 10:01 o'clock the House adjourned.

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TUESDAY, APRIL 25, 1939.

The House met according to adjournment.

Prayer was offered by the Chaplain.

#### Leaves of Absence

Mr. Trow of Bradford was granted leave of absence for the day on account of jury duty.

Mr. Keough of Gorham was granted leave of absence for Tuesday on account of opening of court in Coos county.

Mr. Elkins of Concord was granted leave of absence for Tuesday on account of important business.

Mr. St. Francois of Nashua was granted leave of absence for the day on account of attending a funeral.

Mr. Hoyt of Concord was granted leave of absence for the week on account of important business.

Mr. Houle of Manchester was granted leave of absence for the week on account of being out of the state.

Mr. Knowlton of Manchester was granted leave of absence for the week on account of important business.

Mr. Donovan of Newport was granted leave of absence for the week on account of illness.

Mr. Normandin of Laconia was granted leave of absence for the week on account of court business.

### Committee Reports

Mr. Sawyer of Woodstock, for the Committee on Engrossed Bills, reported that the committee had examined and found correctly engrossed the following entitled bills:

House Bill No. 23, An act relating to ice fishing in Newfound lake.

House Bill No. 359, An act relating to the issuance of no par value stock by co-operative marketing associations.

The report was accepted.

Mr. Barnard of Manchester, for the Committee on Revision of Statutes, to whom was referred House Bill No. 360, An act relating to remedial care for injured workmen, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mr. Carpenter of Wolfeboro, for the Committee on Fisheries and Game, to whom was referred Senate Bill No. 48, An act relative to taking lake trout and

pickerel from Stinson lake, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mr. Normandin of Laconia, for the Committee on Judiciary, to whom was referred House Bill No. 391, An act relating to the town of Rye, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

### Recess

The Speaker declared the House in recess to participate in the Arbor day exercises, held on the lawn of the State House.

### After Recess

Mr. Marshall of Northumberland, for the Committee on Agriculture, to whom was referred House Bill No. 390, An act to provide a bond issue for the eradication of bovine tuberculosis and Bang's disease, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill referred to the Committee on Appropriations, under the rules.

Mr. Normandin of Laconia, for the Committee on Judiciary, to whom was referred House Bill No. 275, An act relating to workmen's compensation, reported the same in new draft, with the recommendation that the bill in its new draft be printed and recommitted to the Committee on Judiciary.

The report was accepted, the bill read a first and second time, laid upon the table to be printed, and re-committed to the Committee on Judiciary.

Mr. St. Francois of Nashua, for the Committee on Education, to whom was referred House Bill No. 285,

An act relative to state aid for school districts, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend said bill by striking out all after the enacting clause and inserting in its place the following:

1. *State Aid.* Amend chapter 121 of the Public Laws by inserting after section 8 the following new section: 8-a. *High Schools.* In any district in which a sum equal to three-tenths of one per cent of the equalized valuation of the district on which the state tax is apportioned is insufficient to maintain a high school as defined in section 22, chapter 119 of the Public Laws, and to purchase the required textbooks, scholars' supplies, flags and appurtenances necessary thereto or to pay tuition as provided in section 26, chapter 119 of the Public Laws, except that all contracts for the payment of tuition shall be approved as provided in section 21, chapter 119, of the Public Laws, the state board shall provide the balance of the money necessary from the money appropriated to carry out the provisions of this section.

2. *Elementary and High Schools.* Amend section 13, chapter 121 of the Public Laws by striking out the section and inserting in place thereof the following: 13. *Limit.* The sum total of aid granted for elementary schools in any year to any district or all districts of any town, shall not exceed six thousand dollars; and further provided that no district may qualify for an allotment of aid, as provided in section 8-a, in which a sum less than eight-tenths of one per cent of the equalized valuation of the district shall be sufficient to meet the combined necessary expenditures of the elementary and high schools of the district, or of the several districts in any town.



3. *Appropriation.* Amend said chapter 121 by inserting after section 13 the following new section: 13-a. *Appropriations.* To carry out the provisions of sections 8-a and 13 there is hereby annually appropriated the sum of seventy-five thousand dollars. The Governor is authorized to draw warrants for said sum out of any money in the treasury not otherwise appropriated. If in any year the approved claims of the several districts entitled to high school or tuition aid is in excess of the appropriation for that purpose, the demands of the districts shall be *pro rated* in the same manner as provided in section 10 for elementary schools.

4. *Takes Effect.* This act shall take effect July 1, 1939.

The report was accepted, the amendment adopted, and the bill referred to the Committee on Appropriations, under the rules.

Mr. Barnard of Manchester, for the Committee on Revision of Statutes, to whom was referred Senate Bill No. 23, An act relating to the State Board of Health, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 by striking out in line six the words, "a registered pharmacist," and inserting in place thereof the following: one other person, who shall not be a physician, or a civil engineer, so that said section as amended shall read as follows:

1. *Appointment; Vacancies.* There shall be a State Board of Health consisting of the Governor, the Attorney General, three physicians, a civil engineer and one other person, who shall not be a physician, or a civil engineer. The five last named shall be appointed

by the Governor with the advice of the council. The term of office of each of the five shall be five years, and until a successor is appointed and qualified, except that the four present members of the board shall continue in office until the commission they now hold expires. Vacancies in the board shall be filled by the Governor with the advice of the council, for the unexpired term.

The report was accepted, the amendment adopted.

Mr. Winslow of Chesterfield moved that the bill and accompanying report be indefinitely postponed.

The question being on the motion to indefinitely postpone.

(Discussion ensued)

Mr. Winslow of Chesterfield spoke for the motion.

Messrs. Myhaver of Peterborough and Atherton of Nashua spoke against the motion.

On a *viva voce* vote the negative appeared to prevail.

Mr. Winslow of Chesterfield called for a division.

On a division vote less than two-thirds of the members elected being present and voting, and less than two thirds of those voting having voted in either the affirmative or negative, no valid action was taken, and the bill went into unfinished business.

Mr. Barnard of Manchester, for the Committee on Revision of the Statutes, to whom was referred House Bill No. 279 (in new draft), An act fixing the amount of old age assistance grants, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The undersigned, a minority of the Committee on Revision of the Statutes, to whom was referred House Bill No. 279 (in new draft), An act fixing the amounts of old age assistance grants, and being unable to agree

with the majority, reported the same with the recommendation that the bill ought to pass.

RODOLPH CORMIER,  
THOMAS W. FECTEAU,  
ALFRED L. GUAY,  
*A Minority of the Committee.*

The reports were accepted.

Mr. Cormier of Nashua moved to substitute the report of the minority "ought to pass," for the report of the majority, "inexpedient to legislate."

The question being on the motion to substitute.

(Discussion ensued)

Messrs. Cormier of Nashua, O'Shan of Laconia, Smith of Hudson and Powers of Brookline spoke in favor of the motion.

Mr. Barnard of Manchester spoke against the motion.

On a *viva voce* vote the Chair was in doubt.

Mr. O'Shan of Laconia demanded the yeas and nays, and the roll was called with the following result:

Yeas, 186

ROCKINGHAM COUNTY: Stowe, Persson, Goodrich, Burbank, Corson, Hepworth, Thompson of Exeter, Tozier, Beede, Adams of Hampton, Smith of Newfields, Hoyt of Newington, Labranche, Willey, Prescott, Fransoso, Frederickson, Reinhart, Gray, Marston, Yeaton, Palfrey, Burkhardt, Liberson, Barron, Peever, Butterfield.

STRAFFORD COUNTY: Hayes of Barrington, Loughlin, Sherry, King, Garland, Brown of Dover, Lucas, Durnin, Hayes of Farmington, Pray, Conrad, Emerson of Rochester, Young of Rochester, Beaudoin, Pot-

vin, Studley, Nutter, Lagueux, Habel, Boucher, Hebert, St. Laurent.

BELKNAP COUNTY: Hier, Adams of Belmont, Price, O'Shan, Tarlson, Guay, Boucher, Smith of New Hampton.

CARROLL COUNTY: Downs, Fernald of Jackson.

MERRIMACK COUNTY: Coakley, Kemp, George, Maxham, Collins of Danbury, Milburn, Carignan, Lemire, Dempsey, DuDevoir, Lafond, Merrill of Loudon, Cheney, Batchelder of Northfield, Anderson.

HILLSBOROUGH COUNTY: Powers, Michie, Clark of Francestown, Brown of Goffstown, Hambleton, Pattee, Charois, Goodwin of Hudson, Smith of Hudson Reid, Gage, Barry of Manchester, Ward 3, Dwyer, Duffly, Frain, O'Neil, Dulac, Lacroix, Fox, Benoit of Manchester, Ward 7, Gaumont, Poirier, Turcotte, Benoit of Manchester, Ward 8, Bouthiette, Brousseau, Constant, Donnelly, Gelinas, Wedick, Boisvert of Manchester, Driscoll, Caron of Manchester, Ward 10, Head, Carroll, Mullen, Sweeney, Aubin, Caron of Manchester, Ward 12, Letendre, Soucy, Duval, Gauthier, Ladouceur, Rousseau, Thibodeau, Carter, Foster, Cooper, Woodbury of Nashua, Duclos, Belanger, Trombley, Sullivan, Thomas F. of Nashua, Sullivan, Timothy J. of Nashua, Berube, Marquis, Moussette, Fournier, Shea of Nashua, Goyette, Cormier, Grand-Maison, Joyce, Wilcox, Hurbonovich, Senechal, Jones, Peaslee, Dugan.

CHESHIRE COUNTY: Clark of Harrisville, Callahan, Martin, Gates, Ellery, Lichman, Phelps.

SULLIVAN COUNTY: Converse of Claremont, Etsler, Hutchins of Claremont, Russell of Claremont, Barton, Hall, Callum.

GRAFTON COUNTY: Swayne, Campbell, Walbridge, Hodge, French, Legassie, Lufkin.

COOS COUNTY: Barden, Mason, Montminy, Palmer, of Berlin, Trottier, Bisson, Christiansen, Ramsey, Bixby, Fortier, Gagnon of Berlin, Laforce, Jackson, Cryan, Peabody, Marshall, Rowden, Converse of Pittsburg, Boothman, Hinman, McIntyre.

### Nays, 159

ROCKINGHAM COUNTY: Havican, Grinnell, Avery of East Kingston, Bourn, Pennell, Miller of Greenland, Creighton, Keay, Nesmith, Knowles, Rowell of Northwood, Palmer of Plaistow, Foote, Quimby, Tucker, Currier, Jewell of Stratham.

STRAFFORD COUNTY: Fernald of Dover, Smart, Blanchard, Hale, Plummer, Greenfield, Seavey, Berry.

BELKNAP COUNTY: Rollins, Lord, Rivers, Greene, Simpson of Laconia, Brown of Meredith, Neal, Morse, Goodwin of Tilton.

CARROLL COUNTY: Simpson of Bartlett, Mudgett, Russell of Conway, Gale, Banfield, Merrow, Knox, Vittum, Young of Tuftonboro, Carpenter, Jewell of Wolfeboro.

MERRIMACK COUNTY: MacPhee, Nichols, Morrill, Sanborn of Chichester, Baker, Hancock, Nash, Osborne of Concord, Saltmarsh, Sturtevant, Tilton of Concord, Bunten, Freeman, Yeaton of Epsom, Maxfield, Shaw, Burnham, Nelson of Hopkinton, Swift, Perkins, Sanderson, Clark of Salisbury, Cloues, Stuart.

HILLSBOROUGH COUNTY: Bills, Wiggin, Tuttle, Boynton, Gay, Wilson, Bergholtz, Chase, Daniels, Barnard, Johnson, Kimball, Woodbury of Manchester, Ward 2, Woodbury of Manchester, Ward 3, Whitaker, Emerson of Milford, Wadleigh, Erlando, Atherton, Underhill, Lougee, Shedd, Bass, Myhaver.

CHESHIRE COUNTY: Winslow, Thomas, Miller of Fitzwilliam, Hanson, Robertson, Duncan, Knowlton of

Keene, Frissell, Dort, Duffy, Tarbox, Bullock, Lane, Perry, Smith of Troy, Chickering, Relihan, Ingham, Nelson of Winchester.

SULLIVAN COUNTY: Hutchins of Charlestown, Babcock, Howe, Officer, Putnam, Witherill, Hastings, Maley, Rowell of Newport, Whitney, Osborne of Sunapee, Davison.

GRAFTON COUNTY: Bailey of Bath, Tyler, Noyes of Bethlehem, Collidge, Pulsifer, Ashley, Leonard, Batchelder of Hanover, Hunter, Tuxbury, Dean, Strobridge, Smith of Hebron, Marden, Dow, Hough, Howard, Hoyt of Lebanon, Collins of Lisbon, Hamilton, Bowker, Hildebrand, Whitcomb, Santy, Bailey of Lyme, Bell, Merrill of Plymouth, Taylor, Dreghorn.

COOS COUNTY: Paine, Smith of Berlin, Ward 1, Emerson of Dalton, Stiles, Willis, Noyes of Stewartstown.

Mr. Dupont of Pembroke voting Yes paired with Mr. Pierce of Bennington voting No.

Mr. Boisvert of Pembroke voting Yes paired with Mr. Tilton of Ward 4, Laconia voting No.

And the motion to substitute the report of the minority, "Ought to pass" for the report of the majority, "inexpedient to legislate" prevailed.

The bill was referred to the Committee on Appropriations under the rules.

Mr. Belanger of Nashua, for the special Committee consisting of the delegation from the city of Nashua, to whom was referred House Bill No. 187, An act relating to the charter of the city of Nashua, reported the same with the recommendation that the bill ought to pass.

The undersigned, a Minority of the Committee on Nashua Delegation, to whom was referred House Bill No. 187, An act relating to the charter of the City of Nashua pertaining to police commissioner, having



considered the same and being unable to agree with the majority, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

ROBERT ST. FRANCOIS,  
MABEL T. COOPER,  
PATRICK J. DUCLOS,  
FRANK A. LOUGEE,  
GEORGE UNDERHILL,  
BLAYLOCK ATHERTON,  
EULALIE A. FOURNIER,  
JOSEPH A. MOUSSETTE,  
HECTOR TROMBLEY,  
RODOLPH CORMIER,  
WILFRED F. GRANDMAISON,

*A Minority of the Committee.*

The reports were accepted.

Mrs. Cooper of Nashua moved that the bill and its accompanying reports be indefinitely postponed.

The question being on the motion to indefinitely postpone.

(Discussion ensued)

Mrs. Cooper and Messrs. Atherton and Cormier of Nashua spoke for the motion.

On a *viva voce* vote the motion prevailed and the bill and its accompanying reports were indefinitely postponed.

Mr. Sanderson of Pittsfield, for the Committee on Appropriations, to whom was referred House Bill No. 323, An act making appropriations for the expenses of the state of New Hampshire for the year ending June 30, 1940, reported the same with the following amendments as printed in the Journal of Thursday, April 20, and the recommendation that the bill as amended ought to pass.

The question being on the amendments reported by the committee.

Mr. Boynton of Hillsboro offered the following amendment to the amendments.

Page 2, line 16, after the words "Current Expenses" strike out the figures "\$800" and insert in place thereof the figures, \$4,425.

The question being on the amendment offered by Mr. Boynton.

(Discussion ensued)

Mr. Boynton of Hillsboro spoke for the amendment.

On a *viva voce* vote the amendment to the amendments was adopted.

Mr. Boynton of Hillsboro offered the following amendment to the amendments.

Page 2, line 18, after the word "Total" strike out the figures "\$15,040" and insert in place thereof the figures, \$18,665.

The question being on the amendment offered by Mr. Boynton.

(Discussion ensued)

Mr. Boynton of Hillsboro spoke for the amendment.

On a *viva voce* vote the amendment to the amendments was adopted.

Mr. Boynton of Hillsboro offered the following amendment.

Page 56, strike out all after line 28 and insert in place thereof the following: Fund, as provided in section 6, chapter 172 of the Laws of 1937. Any unexpended balance of this appropriation shall lapse and shall not be transferred to any other state appropriation.

The question being on the amendment offered by Mr. Boynton.

(Discussion ensued)

Mr. Boynton of Hillsboro spoke for the amendment.

On a *viva voce* vote the amendment to the amendments was adopted.

Mr. Sanderson of Pittsfield offered the following amendment to the amendment.

Page 29, line 46, after the words: "Total State Hospital" strike out the figures "\$803,546.10" and insert in place thereof the figures, \$844,821.10.

The question being on the amendment offered by Mr. Sanderson.

On a *viva voce* vote the amendment was adopted.

The question being on the amendment offered by the committee as amended.

(Discussion ensued)

Messrs. Duncan of Jaffrey and Baker of Concord spoke for the amendment.

Mr. Emerson of Milford offered the following amendment to the amendment.

Strike out lines 10 and 11 on page 21.

The question being on the amendment offered by Mr. Emerson.

(Discussion ensued)

Messrs. Emerson of Milford and Duncan of Jaffrey spoke for the amendment.

Mr. Hunter of Hanover, Miss Greenfield of Rochester, and Mr. Baker of Concord spoke against the motion.

On a *viva voce* vote the amendment to the amendment was not adopted.

Mr. Boynton of Hillsboro offered the following amendment to the amendment.

Page 3, line 27, after the words "Total Executive Department" strike out the figures "\$67,040.00" and insert in place thereof the figures, \$70,665.

The question being on the amendment offered by Mr. Boynton of Hillsboro.

(Discussion ensued)

Mr. Boynton of Hillsboro spoke for the amendment.

On a *viva voce* vote the amendment to the amendment was adopted.

The question being on the amendment reported by the committee, as amended.

On a *viva voce* vote the amendment as amended was adopted and the bill ordered to a third reading.

Mr. Sanderson of Pittsfield for the Committee on Appropriations, to whom was referred House Bill No. 324, An act making appropriations for the expenses of the state of New Hampshire for the year ending June 30, 1941, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

The question being on the amendments reported by the committee.

Mr. Boynton of Hillsboro offered the following amendment to the amendment.

Page 11, line 15, after the word "Reforestation" insert the figures, \$1900.

Page 13, line 38, after the words "Total Forestry and Recreation" strike out the figures "\$83,709" and insert the figures \$82,709.

The question being on the amendment offered by Mr. Boynton.

(Discussion ensued)

Mr. Boynton of Hillsboro spoke for the amendment.

On a *viva voce* vote the amendment to the amendment was adopted.

Mr. Boynton of Hillsboro offered the following amendment to the amendment.

Page 55, strike out all after line 27 and insert in place thereof the following: Fund, as provided in sec-

tion 6, chapter 172 of the laws of 1937. Any unexpended balance of this appropriation shall lapse and shall not be transferred to any other state appropriation.

The question being on the amendment offered by Mr. Boynton.

(Discussion ensued)

Mr. Boynton spoke for the amendment.

On a *viva voce* vote the amendment to the amendment was adopted.

Mr. Boynton of Hillsboro offered the following amendment.

Page 47, line 3, strike out the word "deputy" and insert in place thereof the word, deputies.

The question being on the amendment offered by Mr. Boynton.

(Discussion ensued)

Mr. Boynton of Hillsboro spoke for the amendment.

On a *viva voce* vote the amendment to the amendment was adopted.

Mr. Fernald of Dover offered the following amendment to the amendment.

Page 54, strike out line 12.

The question being on the amendment offered by Mr. Fernald.

(Discussion ensued)

Mr. Fernald of Dover spoke for the amendment.

Mr. Hunter of Hanover spoke against the amendment.

Mr. Fernald of Dover demanded the yeas and nays but subsequently withdrew his demand.

The question being on the amendment offered by Mr. Fernald.

(Discussion ensued)

Mr. Baker spoke against the amendment.

Mr. Fernald of Dover withdrew his amendment.

The question being on the amendment reported by the committee as amended.

On a *viva voce* vote the amendment as amended was adopted and the bill ordered to a third reading.

On motion of Mr. Baker of Concord the rules were suspended, and business in order at 3 o'clock was made in order at the present time.

### Third Readings

On motion of Mr. Baker of Concord the rules were suspended, and the third readings of bills by their titles made in order.

House Bill No. 391, An act relating to the town of Rye.

House Bill No. 323, An act making appropriation for the expenses of the State of New Hampshire for the year ending June 30, 1940.

House Bill No. 324, An act making appropriation for the expenses of the State of New Hampshire for the year ending June 30, 1941.

Severally read a third time and passed, and sent to the Senate for concurrence.

### Message from the Senate

A message from the Honorable Senate by its Clerk announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bills, sent up from the House of Representatives:

House Bill No. 156, An act opening Pillsbury Reservation in Washington to all fishing except ice fishing.

House Bill No. 385, An act relating to certain waters in Carroll county.

The message further announced that the Senate refused to concur with the House of Representatives



in the passage of the following entitled bill sent up from the House of Representatives:

House Bill No. 93, An act relating to the open and closed seasons for taking fish in certain waters.

House Bill No. 170, An act relating to hunting of deer.

House Bill No. 218, An act relating to closing the Androscoggin River to fishing.

The message further announced that the Senate had voted to adopt the amendments offered by the Committee on Engrossed Bills, to the following House Bills, in the adoption of which amendments the Senate asked the concurrence of the House of Representatives:

House Bill No. 385, An act relating to certain waters in Carroll county.

Amend the title of said bill by inserting after the word "to" the word, fishing in.

Amend section 3 of said bill by inserting after the word "so-called" where it occurs in the fourth and seventh lines the words, in Tuftonboro.

On motion of Mr. Carpenter of Wolfeboro the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 216, An act relating to the duties of the Register of Probate.

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1. *Repeal.* Section 3 of chapter 57 of the Laws of 1935, relative to the list of deceased persons whose estates are entered for probate kept by the register of probate, is hereby repealed.

On motion of Mrs. Cooper of Nashua the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

The Senate concurred with the House of Representatives in the passage of the following entitled bills, with amendments, in the passage of which amendments the Senate asked the concurrence of the House of Representatives:

House Bill No. 247, An act relating to the taking of brook trout in the Connecticut river and Perry stream.

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1. *Connecticut River and Perry Stream.* Amend paragraph I, section 1, chapter 155, Laws of 1935, as inserted by chapter 145, Laws of 1937, by striking out the words "the Connecticut river from the First Connecticut lake dam to the covered bridge at the Archie Heath place, so called, in Pittsburg" so that said paragraph amended shall read as follows: I. Armington lake in Piermont, Beaver pond in Woodstock, Clarksville pond in Clarksville, East Inlet and tributaries to Second Connecticut lake in Pittsburg, Coon brook bog in Pittsburg.

2. *Open Season, Brook Trout.* Amend section 1, chapter 155, Laws of 1935, as inserted by chapter 145, Laws of 1937, and as amended by chapter 84, Laws of 1939, by inserting after paragraph XI the following new paragraph: XII. Brook trout not less than seven inches in length may be taken from June first to October first in the Connecticut river from the First Connecticut lake dam to the covered bridge at the Archie Heath place, so called, and in Perry stream from the Happy Corner bridge, so called, to the Con-

necticut river, all in Pittsburg. No person shall take, in one day, more than ten in number nor more than five pounds in weight when taken provided that if he has taken less than ten in number or five pounds in weight he shall be entitled to one additional fish.

Further amend said bill by renumbering section 2 to read section 3.

On motion of Mr. Converse of Pittsburg the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 113, An act relating to the open season for taking deer in Coos county.

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1. *Wild Deer.* Amend section 2 of chapter 198 of the Public Laws, as inserted by section 2, chapter 124, Laws of 1935, and as amended by section 1, chapter 136, Laws of 1937, by striking out said section and inserting in place thereof the following: 2. *Taking, Time.* Wild deer outside game preserves, may be hunted and taken after six a. m. and before five p. m. in the counties of Carroll and Grafton from November first to December first, in that part of Coos county lying north of the main highway known as United States Route No. 2 from the Vermont boundary to the Maine boundary through the towns of Lancaster, Jefferson, Randolph, Gorham and Shelburne from October fifteenth to December first, in the remainder of Coos county from November first to December first, and in all other counties in the state from December first to December sixteenth, except that no deer shall be hunted or taken at any time on any island or in any waters in lakes and ponds.

Mr. Rowden of Northumberland moved that the House concur in the adoption of the amendments sent down from the Honorable Senate.

The question being on the motion to concur.

Mr. Carpenter of Wolfeboro spoke against the motion.

Mr. Carpenter moved that the House non-concur and asked for a Committee of Conference.

The question being on the motion of Mr. Carpenter.

(Discussion ensued)

Mr. Guay of Laconia spoke for the motion.

Messrs. Converse of Pittsburg and Hinman of Stratford spoke against the motion.

And the motion to non-concur did not prevail.

The question being.

Shall the House concur in the adoption of the amendment proposed by the Senate?

On a *viva voce* vote the House concurred in the adoption of the amendments proposed by the Senate.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 163, An act authorizing the City of Keene to acquire land for the purposes of flood control.

Amend the title of said bill by striking out the same and inserting in place thereof the following:

An act authorizing the city of Keene and towns in the county of Cheshire to acquire land for the purposes of flood control.

Amend said bill by striking out sections 1 and 2 and inserting in place thereof the following:

1. *Acquisition of Land.* The city of Keene or any town in the county of Cheshire, by itself or in conjunction with any town in said county, may acquire, develop and maintain lands, easements and other

rights for the purpose of flood control, and may raise and appropriate money therefor.

2. *Eminent Domain.* If any such municipal corporation in said county is unable to acquire the necessary properties by purchase or gift it may take the same by eminent domain proceedings as provided for the taking of land for highways. Any person aggrieved may appeal from the assessment of damages in such case to the superior court within thirty days from the date of the award of damages for such taking but such appeal shall not extend to the act of taking but shall be limited only to the question of damages and the city or town may forthwith, upon award being made, proceed to the development of the lands, easements and other rights so taken.

On motion of Mr. Callahan of Keene the House concurred in the adoption of the amendments proposed by the Senate.

The bill was then sent to the Secretary of State to be engrossed.

The message further stated that the Senate had passed a bill with the following title, in the passage of which it asked the concurrence of the House of Representatives:

Senate Bill No. 49, An act relating to Oliverian brook in Benton and Warren and Three Pond brook in Rumney.

#### **Senate Bill Read and Referred**

Senate Bill No. 49, An act relating to Oliverian brook in Benton and Warren and Three Pond brook in Rumney.

Read a first and second time and referred to the Committee on Fisheries and Game.

#### **Resolutions**

Mr. Merrow of Ossipee offered the following resolution:

*Resolved*, That the use of Representatives' Hall be granted to the Ways and Means Committee for a public hearing on the tobacco tax bill for Wednesday, April 26, at 1:30 p. m.

On a *viva voce* vote the resolution was adopted.

Mr. Greene of Laconia offered the following resolution:

Inasmuch as it is reported that New Hampshire men are not being employed at the Salem Race Track on improvements thereon now under construction, *Resolved*: That the Racing Commission be hereby instructed to immediately ascertain the facts and policy relative to this matter and see to it that the maximum possible number of legal residents of New Hampshire be employed in this construction work.

On a *viva voce* vote the resolution was adopted.

Mr. Stowbridge of Haverhill offered the following resolution:

*Whereas*, This House has learned with sorrow of the bereavement of our fellow member, Ernest E. Craig, Representative from Haverhill, in the death of his wife, therefore be it

*Resolved*, That the Speaker appoint a committee of five to submit suitable resolutions of sympathy.

The resolution was unanimously adopted by a rising vote.

The Speaker appointed as members on such committee, Messrs. Stowbridge of Haverhill, Ashley of Dorchester, Cannell and French of Lebanon and Swain of Ashland.

### Committee Report

The Committee of Conference, to whom was referred Senate Bill No. 8, An act providing for the payment by wholesale permittees of certain fees for the sale of certain alcoholic beverages, having considered the



same, reported that they are unable to agree, and recommended that the committee be discharged, and that another Committee of Conference be appointed.

LESTER E. MITCHELL,  
WILLIAM WESTON,

*Conferees on the Part of the Senate.*

GEORGE A. CONLON,  
CHARLES P. COAKLEY,  
GEORGE W. UNDERHILL,

*Conferees on the Part of the House.*

On motion of Mr. Sanderson of Pittsfield the report of the committee was adopted.

The Speaker appointed as members on such a committee, on the part of the House, Messrs. Foote of Portsmouth, and Knowles of No. Hampton and Mrs. Bixby of Berlin.

### Special Order

Mr. Sherry of Dover called for the special order, it being,

House Bill No. 88, An act relative to insurance policies of old age recipients.

The question being on the report of the committee that it is inexpedient to legislate.

Mr. Sherry moved that the words "ought to pass" be substituted for the words "inexpedient to legislate."

The question being on the motion to substitute.

(Discussion ensued)

Messrs. Sherry of Dover, Hoyt of Newington, Powers of Brookline and Hepworth of Derry spoke for the motion.

Messrs. Myhaver of Peterborough, Erlando of Mont Vernon and Barnard of Manchester spoke against the motion.

Mr. Fernald of Dover moved the previous question.

The question being,

Shall the main question now be put?

On a *viva voce* vote the previous question was ordered.

The question being on the motion to substitute.

Mr. Hepworth of Derry called for a division.

A division being had 107 members having voted in the affirmative and 219 members voted in the negative, the motion to substitute the words "ought to pass" for the words "inexpedient to legislate" did not prevail.

Mr. Sherry of Dover demanded the yeas and nays but subsequently withdrew his demand.

The question being on the report of the committee that it is inexpedient to legislate.

On a *viva voce* vote the report of the committee was adopted.

On motion of Mr. Sherry of Dover at 4:16 o'clock the House adjourned.

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### WEDNESDAY, APRIL 26, 1939.

The House met at 11:00 o'clock.

Prayer was offered by the Chaplain.

#### Leaves of Absence

Messrs. Elkins of Concord, Dupont of Hooksett and Hoyt of Newington were granted leave of absence for the day on account of important business.

Messrs. Atherton of Nashua, Cogan of Portsmouth and Mrs. Hoyt of Lebanon were granted leave of ab-

sence for the rest of the week on account of important business.

Mr. Hunter of Hanover moved that the House meet tomorrow at 10 o'clock instead of 11 o'clock.

On a *viva voce* vote the motion prevailed.

### Committee Reports

Mr. Sanderson of Pittsfield, for the Committee on Appropriations, to whom was referred House Bill No. 329, An act relative to the issuance of bonds or notes to forward the building program at the University of New Hampshire, and to be liquidated from university income, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Batchelder of Northfield, for the Committee on Claims, to whom was referred House Joint Resolution No. 71, Joint resolution in favor of Ernest Moore, reported the same with the following amendment, and the recommendation that the joint resolution as amended ought to pass.

Amend the joint resolution by striking out in the first line the following: "three hundred and fifty dollars (\$350)" and inserting in place thereof the following, two hundred dollars (\$200), so that said joint resolution as amended shall read as follows: That the sum of two hundred dollars (\$200) be and hereby is appropriated to Ernest Moore of Rye for damage to his motor vehicle and personal injuries, said expenses being the result of an accident caused by a cave-in on the Ocean Boulevard in the town of Rye, February 27, 1939. The sum hereby appropriated shall be a charge upon the highway funds.

The report was accepted, the amendment adopted and the bill referred to the Committee on Appropriations under the rules.

Mr. Batchelder of Northfield, for the Committee on Claims, to whom was referred House Joint Resolution No. 67, (In new draft) Joint resolution in favor of Clyde Hudson and others, reported the same with the following amendment, and the recommendation that the joint resolution as amended ought to pass.

Amend said resolution by striking out all after the resolving clause and inserting in place thereof the following:

That the following sums shall be appropriated and paid for expense incurred by Clyde Hudson of Grantham as a result of a collision while employed by the state on the state highway on November 15, 1938, wherein the said Hudson was struck by a passing automobile while working within the scope of his employment: Donald C. Moriarty, M.D., Newport, fourteen dollars; Mary Hitchcock Clinic, Dr. Tyson, Hanover, two dollars; Mary Hitchcock Hospital, Hanover, three hundred and three dollars and forty-five cents; M. C. Kiniry, R. N., Woodstock, Vt., one hundred and forty dollars; Mary Carmichael, R. N., Hanover, sixty dollars; Francis Cacioppo, Hanover, twenty-five dollars; Mrs. Francis Brown, R. N., Hanover, eighty-seven dollars and fifty cents; Bertha V. Colby, R. N., Hanover, seventeen dollars and fifty cents; and Thelma Bushway, R. N., Norwich, Vt., thirteen dollars. The sum hereby appropriated shall be a charge upon the highway funds.

The report was accepted, the amendment adopted and the bill referred to the Committee on Appropriations under the rules.

### Unfinished Business

Mr. Myhaver of Peterborough called for the unfinished business, it being,

Senate Bill No. 23, An act relating to the State Board of Health.

The question being,

Shall the bill and its accompanying reports be indefinitely postponed?

Mr. Myhaver of Peterborough moved that the bill with the motion pending be laid upon the table and made a special order for Wednesday, May 3, at 11.01 o'clock.

On a *viva voce* vote the motion prevailed.

### Message from the Senate

A message from the Honorable Senate by its Clerk announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bills sent up from the House of Representatives:

House Bill No. 355, An act authorizing the sale of certain property of the state in the town of Barnstead.

House Bill No. 363, An act prohibiting trespass on the White Mountain National Forest in times of fire hazard.

The message further announced that the Senate had voted to concur with the House of Representatives in its amendments to the following entitled bill:

Senate Bill No. 42, An act relative to operation of motor tractors by unlicensed operators.

The message further announced that the Committee of Conference on the part of the Senate on Senate Bill No. 8 (in new draft), An act providing for the payment by wholesale permittees of certain fees for the sale of alcoholic beverages, being unable to agree, asked to be discharged and a new committee appointed, and the President appointed on the part of the Senate, Senators Butler and Noel.

The message also announced that the Senate concurs with the House of Representatives in the passage of the following entitled bills, with amendments, in the passage of which amendments the Senate asks the concurrence of the House of Representatives:

House Bill No. 250, An act relating to brook trout.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *Open Season; Limit on Number to be Taken.* Amend section 1, chapter 201, Public Laws, as inserted by section 5, chapter 124, Laws of 1935, and as amended by section 18, chapter 188, Laws of 1937, by striking out said section and inserting in place thereof the following: 1. *Brook Trout.* Brook trout may be taken and possessed from May first to September first, and during the month of September by the use of artificial flies only, in Coos, Grafton and Carroll counties. Brook trout may be taken and possessed from May first to August first, and during the month of August by the use of artificial flies only, in all of the other counties in the state. No person may take or possess brook trout less than six inches in length. No person may take more than twenty in number nor more than five pounds in weight when taken, in one day provided so long as he has taken less than five pounds he shall be entitled to one additional fish. No person may have in his possession at one time a total of more than two days' legal catch of brook trout. Brook trout, ten inches and over, may be taken in lakes and ponds, where trolling is permitted for lake trout and salmon, from April fifteenth to May first in addition to the regular season therefor. During the period from April fifteenth to May first, 1939, and for the like period, 1940, brook trout, six inches and over,



may be taken and possessed as permitted in this section in addition to the regular season therefor.

2. *Application of Laws; Repeal.* The amendment as provided by section 1 hereof shall not affect the laws relative to fishing in certain waters where special provisions are applicable. Section 1 of chapter 83 of the Laws of 1939, providing special provisions for taking brook trout, is hereby repealed.

3. *Takes Effect.* This act shall take effect upon its passage.

On motion of Mr. Converse of Pittsburg the House concurred in the adoption of the amendments sent down from the Honorable Senate.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 269, An act relating to assignment of wage claims to labor commissioner for recovery by civil action.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *Assignment of Wage Claims.* Amend chapter 176 of the Public Laws, as amended by section 3, chapter 69, Laws of 1935, by inserting after section 48 the following new section: 49. *Commissioner to Have Power of Attorney.* The labor commissioner shall have power and authority, through signed power of attorney by the claimant, to act in place of said claimant for the collection of wages, not exceeding two hundred dollars, and shall proceed for the collection of such claims when in his judgment the claims are valid and enforceable in the courts.

On motion of Mr. Hunter of Hanover the House concurred in the adoption of the amendment sent down from the Honorable Senate.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 115, An act relating to election of county officers.

Amend section 1 by striking out all of said section and inserting in place thereof the following: 1. Amend section 1, chapter 36 of the Public Laws, as amended by section 1, chapter 166 of the Laws of 1933, by striking out in the ninth line the word "county" and inserting in place thereof the words, and Belknap counties, so that said section as amended shall read as follows: 1. *Election; Term.* There shall be chosen at each biennial election, by ballot, by the inhabitants of the several towns in each county qualified to vote for state senators, a sheriff, a county solicitor, a county treasurer, a register of deeds, a register of probate and three county commissioners, each of whom shall take office on April first next succeeding his election, and shall hold the same for two years and until his successor is chosen and qualified, except that all said county officers of Strafford and Belknap counties, and the solicitors of Merrimack and Coos counties shall take office on January first next succeeding their election.

Amend section 2 of said bill by changing the title of said section to read, Present Officers of Belknap County.

Further amend said section by adding after the word, Commissioners, in the first line of the section the following words, sheriff, county solicitor, county treasurer, register of deeds, and register of probate, so that said section as amended shall read as follows:

2. *Present Officers of Belknap County.* The present county commissioners, sheriff, county solicitor, county treasurer, register of deeds and register of probate for Belknap county shall hold their respective

offices for the term until January first, 1941, and until their successors are chosen and qualified.

On motion of Mr. O'Shan of Laconia the House concurred in the adoption of the amendments sent down from the Honorable Senate.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 258, An act to regulate the season for taking brook trout from Back brook in Pittsburg.

Amend the title of said bill by striking out the same and inserting in place thereof the following:

An act to regulate the season for taking brook trout in Back lake, Pittsburg, and Little Diamond pond in Stewartstown.

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1. *Brook Trout*. Amend paragraph I, section 2, chapter 155, Laws of 1935, as inserted by chapter 144, Laws of 1937, and as amended by chapter 170, Laws of 1937, by striking out said paragraph and inserting in place thereof the following: I. Back lake in Pittsburg, Ferrin pond in Weare, Gustin pond in Marlow, Halls ponds in Sandwich, Little Diamond pond in Stewartstown, Lily pond in Gilford.

2. *Partridge Lake*. Amend section 2-a, chapter 155, Laws of 1935, as inserted by chapter 144, Laws of 1937, by striking out said section and inserting in place thereof the following: 2-a. *Brook Trout*. Brook trout not less than seven inches in length may be taken by the use either of bait or artificial flies from April fifteenth, or as soon thereafter as the ice goes out, to September first and by the use of artificial flies only during the month of September from Partridge lake in Littleton. The provisions of paragraph V of section 2 shall apply to the taking of brook trout under the provisions of this section.

3. *Takes Effect.* This act shall take effect upon its passage.

On motion of Mr. Kelsea of Colebrook the House concurred in the adoption of the amendments sent down from the Honorable Senate.

The bill was then sent to the Secretary of State to be engrossed.

House Joint Resolution No. 47, Joint resolution in favor of the New Hampshire Veterans' Association.

Amend the joint resolution by striking out all after the word "expended" in the tenth and eleventh lines and substituting therefor the following, by a suitable agent to be appointed by the governor and council, and the governor is authorized to draw his warrant for the payment of said sums out of any money in the treasury not otherwise appropriated; so that said joint resolution as amended will read:

That the sum of nine thousand dollars (\$9,000) be and hereby is appropriated to replace and repair buildings, appurtenances and grounds owned by the New Hampshire Veterans' Association at the Weirs damaged and destroyed by the storm of September 21, 1938. Said appropriation shall be expended by a suitable agent to be appointed by the governor and council, and the governor is authorized to draw his warrant for the payment of said sums out of any money in the treasury not otherwise appropriated.

On motion of Mr. O'Shan of Laconia the House concurred in the adoption of the amendments sent down from the Honorable Senate.

The bill was then sent to the Secretary of State to be engrossed.

### Resolution

Mr. King of Dover offered the following resolution:  
*Whereas*, this House of Representatives has learned

with sorrow of the death of our former member  
Philius J. Chabot of Dover,

*Therefore Be It Resolved*, That this House extend  
its sympathy to the bereaved family, and

*Be It Further Resolved*, That a copy of these reso-  
lutions be sent to the bereaved family by the Clerk.

The resolution was unanimously adopted by a rising  
vote.

On motion of Mr. Fernald of Dover business in order  
at 3 o'clock was made in order at the present time.

### Third Readings

On motion of Mr. Fernald of Dover the rules were  
suspended and the third reading of a bill by its  
title made in order.

House Bill No. 329, An act relative to the issuance  
of bonds or notes to forward the building program at  
the University of New Hampshire, and to be liquidated  
from university income.

Read a third time and passed and sent to the Senate  
for concurrence.

On motion of Mr. Kempton of Newport at 11:46  
o'clock the House adjourned.

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THURSDAY, APRIL 27, 1939.

The House met according to adjournment.

Prayer was offered by Rev. Goodwin of Tilton.

### Leaves of Absence

Messrs. Wheeler of Swanzey and Elkins of Concord  
were granted leave of absence for the day on account  
of important business.

### Resolution

On motion of Mr. Duncan of Jaffrey.

*Resolved*, That when the House adjourns this morning it be to meet Saturday morning at 10 o'clock, and that when it then adjourns it adjourns to meet Tuesday morning at 11 o'clock.

### Committee Reports

Mrs. Batchelder of Hanover, for the Committee on Engrossed Bills, reported that the committee had examined and found correctly engrossed the following entitled bills:

Senate Bill No. 42, An act relative to operation of motor tractors by unlicensed operators.

House Bill No. 113, An act relating to the open season for taking deer in Coos county.

House Bill No. 247, An act regarding the taking of brook trout in the Connecticut river and Perry stream.

House Bill No. 341, An act relative to the protection of state and other highways.

House Bill No. 355, An act authorizing the sale of certain property of the state in the town of Barnstead.

House Bill No. 363, An act prohibiting trespass on the White Mountain National Forest in times of fire hazard.

House Bill No. 385, An act relating to fishing in certain waters in Carroll county.

The report was accepted.

Mr. King of Dover, for the Committee on National Affairs, to whom was referred Concurrent Resolution, Concurrent resolution memorializing the Congress of the United States to amend the Fair Labor Standards Act, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.



Mr. King of Dover, for the Committee on National Affairs, to whom was referred Concurrent Resolution, Concurrent resolution relating to recognition of the world war veterans of the American Merchant Marine, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Emerson of Milford, for the Committee on Public Improvements, to whom was referred House Joint Resolution No. 65, Joint resolution for the construction of a dam at Kilton pond in the town of Grafton, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Emerson of Milford, for the Committee on Public Improvements, to whom was referred House Joint Resolution No. 39, Joint resolution appropriating funds for the purpose of dredging Ashuelot river in the city of Keene, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Emerson of Milford, for the Committee on Public Improvements, to whom was referred House Joint Resolution No. 35, Joint resolution for the dredging and straightening of the channel of the Ashuelot river in the town of Hinsdale, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Sanderson of Pittsfield, for the Committee on Appropriations, to whom was referred House Bill No.

327, An act establishing a commission for the purpose of studying the possibilities of protecting individuals unemployed because of sickness or ill health, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Sanderson of Pittsfield, for the Committee on Appropriations, to whom was referred House Bill No. 367, An act relating to parole from the state prison, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Sanderson of Pittsfield, for the Committee on Appropriations, to whom was referred House Joint Resolution No. 12, Joint resolution to provide for additional facilities at the state sanatorium, reported the same with the following amendments, and the recommendation that the joint resolution as amended ought to pass.

Amend the joint resolution by striking out in the first line the following: "twelve thousand two hundred dollars (\$12,200)" and inserting in place thereof the following: eight thousand two hundred dollars (\$8,200); further amend by inserting in the fifth line before the word "for" the word, and; further amend by striking out in the sixth and seventh lines the words "and for the improvement of the electrical system" so that said section as amended shall read as follows:

That the sum of eight thousand two hundred dollars (\$8,200) be and hereby is appropriated for additional facilities at the state sanatorium as follows: For X-Ray apparatus, the sum of two thousand dollars; for the construction of a cottage for the use of the

assistant physician, five thousand dollars, and for sheathing the inside of the recreational hall, one thousand two hundred dollars. The governor is hereby authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mr. Sanderson of Pittsfield, for the Committee on Appropriations, to whom was referred House Joint Resolution No. 62, Joint resolution making appropriation for the state prison farm, having considered the same, reported the same with the following amendment, and the recommendation that the joint resolution as amended ought to pass.

Amend the joint resolution by striking out all after the resolving clause and inserting in place thereof the following: That the sum of one thousand nine hundred and fifty dollars (\$1,950) be and hereby is appropriated for equipment at the state prison farm as follows: installing heater five hundred fifty dollars (\$550); cooling equipment, six hundred dollars (\$600); farm equipment, five hundred dollars (\$500) and fencing three hundred dollars (\$300). The governor is hereby authorized to draw his warrants for said sum out of any money in the treasury not otherwise appropriated.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mr. Baker of Concord, for the Committee on Rules, having considered the subject, reported the following joint resolution, House Joint Resolution No. 74, Joint resolution in favor of William Kaskonas, with the recommendation that the joint resolution be referred to the Committee on Claims.

The report was accepted, the joint resolution read a first and second time, laid upon the table to be printed and referred to the Committee on Claims.

Mr. Baker of Concord, for the Committee on Rules, having considered the subject, reported the following joint resolution, House Joint Resolution No. 75, Joint resolution in favor of the town of Hooksett, with the recommendation that the joint resolution be referred to the Committee on Claims.

The report was accepted, the joint resolution read a first and second time, laid upon the table to be printed and referred to the Committee on Claims.

Mr. Hunter of Hanover, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 414, An act relating to the boundary lines of trunk line, state, state-aided and secondary highways, with the recommendation that the bill be referred to the Committee on Public Improvements.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Public Improvements.

Mr. Sanderson of Pittsfield, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 415, An act relating to hunting of elk, with the recommendation that the bill be referred to the Committee on Fisheries and Game.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Fisheries and Game.

Mr. Sanderson of Pittsfield, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 416, An act to protect the Golden and Bald Eagle, with the recommendation that the bill be referred to the Committee on Fisheries and Game.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Fisheries and Game.

Mr. Boynton of Hillsboro, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 417, An act relative to exceptions to the motor vehicle financial responsibility act, with the recommendation that the bill be referred to the Committee on Revision of the Statutes.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Revision of the Statutes.

Mr. Sanderson of Pittsfield, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 418, An act relating to the tenure of office of the adjutant-general, with the recommendation that the bill be referred to the Committee on Military Affairs.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Military Affairs.

Mr. Boynton of Hillsboro, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 419, An act validating the proceedings of the recessed town meeting in the town of Milford, with the recommendation that the bill be referred to the Committee on Judiciary.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Judiciary.

Mr. Baker of Concord, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 420, An act relating to the issue of bonds by the county of Belknap, with the recommendation that the bill be referred to the Committee on Judiciary.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Judiciary.



Mr. Etsler of Claremont, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 421, An act granting authority to sell land in Londonderry by the Governor and Council, with the recommendation that the bill be referred to the Committee on Judiciary.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Judiciary.

Mr. Etsler of Claremont, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 422, An act to repeal charters of certain corporations, with the recommendation that the bill be referred to the Committee on Judiciary.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Judiciary.

### Message From the Senate

A message from the Honorable Senate by its Clerk announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bill sent up from the House of Representatives:

House Bill No. 214, An act authorizing Village Districts to organize for recreational promotion.

### Resolution

Mr. Merrow of Ossipee offered the following resolution:

*Resolved*, That the Ways and Means Committee be allowed the use of Representatives' Hall for a public hearing on the tobacco bill at 1:30 p. m., Tuesday, May 2.

On a *viva voce* vote the resolution was adopted.

On motion of Mr. Fernald of Dover business in order at three o'clock was made in order at the present time.



### Third Readings

On motion of Mr. Fernald of Dover, the rules were suspended and the third readings of bills by their titles and joint resolutions by their captions were in order.

House Bill No. 327, An act establishing a commission for the purpose of studying the possibilities of protecting individuals unemployed because of sickness or ill health.

House Bill No. 367, An act relating to parole from the state prison.

House Joint Resolution No. 12, Joint resolution to provide for additional facilities at the state sanatorium.

House Joint Resolution No. 62, Joint resolution making appropriation for the state prison farm.

Severally read a third time and passed and sent to the Senate for concurrence.

On motion of Mr. Adams of Belmont at 10:31 o'clock the House adjourned.

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### Communication

Agreement has been reached between the Rules Committee of the Senate and the Rules Committee of the House of Representatives for joint consultation upon the introduction of new legislation for the remainder of the regular session of 1939.

This step has been taken in an effort to bring the session to as early adjournment as is consistent with the best interests of the State. The objective is adjournment of the session during the first week in June.

It will be the policy of the Consulting Committees to permit introduction of only such new legislation as can be classified as essential, or emergency character,

or of such a nature that it could not have been presented at an earlier date.

The Rules Committee of the House, which has handled the major portion of new legislation since expiration of the time during which individuals could file bills and resolutions, has made an effort to hold new legislation to a minimum. A large portion of the new measures introduced have related to local affairs. Another large grouping has related to claims against the State which have been admitted as a matter of fairness to individuals who otherwise would be forced to wait two years to seek adjustments.

It is recognized that every new measure is important to some group of people and the two committees have endeavored to weigh all factors before reaching final decision. To this end opportunity has been given to proponents of new legislation to come before the Rules Committee to explain the reasons for their requests for introduction of new bills. This policy will be continued.

The weekly cost of the legislature is substantial. Extension of the session beyond a reasonable period is expensive to the State.

In announcing the joint consultation of the Rules Committees of the two branches the members of those committees ask the members of both House and Senate to cooperate in the effort to promote final adjournment in June. They ask members to assist the committee in reducing the number of new legislative matters and to refrain from presenting matters of controversial nature unless the subject matter is of such grave importance as to classify as an emergency.

The Senate now has the budget appropriation bill. Members of the Finance Committee of the Senate, pledging cooperation in the effort for early adjournment, have promised to make every reasonable effort

to complete consideration of these bills in the next two weeks. Accomplishing this the legislature will then have two weeks in which it can complete other matters before it, including action on revenue measures necessary to balance the State budget.

The chairman of Standing Committees of the Senate and House have assured us that they will take as prompt action as is possible on matters now pending, particularly those which may have to go to the Finance and Appropriations Committees for consideration prior to final action of either branch.

If Senators and Representatives as individuals, and the Standing Committees of the two branches, will cooperate with us in forwarding business and the membership of the two branches will support the policy of the Rules Committees in the matter of joint consultation on new legislation, we are confident that the session can be concluded during the first week in June, thus reflecting credit upon the General Court.

ROBERT O. BLOOD,  
ANSEL N. SANBORN.

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SATURDAY, APRIL 29, 1939.

The House met at 10:00 o'clock.

The following letter was read by the Clerk:

Saturday, April 29, 1939.

Mr. George H. Nash,  
Concord, N. H.

DEAR SIR:

I shall be unable to attend the session on Saturday morning. Will you kindly preside for me and oblige.

Yours respectfully,

ANSEL N. SANBORN,  
*Speaker.*

There being no quorum present at 10:01 o'clock the House adjourned.

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## TUESDAY, MAY 2, 1939.

The House met according to adjournment.

Prayer was offered by the Chaplain.

### Leaves of Absence

Mr. Elkins of Concord was granted leave of absence for the day on account of important business.

Mr. Rand of Deerfield was granted leave of absence for the day on account of illness.

Mr. Hutchins of Claremont was granted leave of absence for Wednesday, May 3, on account of important business.

Mr. Ladouceur of Manchester was granted leave of absence for the week on account of important business.

Mr. Hunter of Hanover was granted leave of absence until further notice on account of illness.

### Committee Reports

Mrs. Batchelder of Hanover, for the Committee on Engrossed Bills, reported that the committee had examined and found correctly engrossed the following entitled bills and joint resolutions:

House Bill No. 27, An act relating to foreign casualty insurance companies.

House Bill No. 38, An act relating to cancellation of accident and health insurance policies.

House Bill No. 115, An act relating to election of county officers.

House Bill No. 163, An act authorizing the city of Keene and towns in the county of Cheshire to acquire land for the purposes of flood control.

House Bill No. 214, An act authorizing village districts to organize for recreational promotion.

House Bill No. 216, An act relating to the duties of the register of probate.

House Bill No. 250, An act relating to brook trout.

House Bill No. 258, An act to regulate the season for taking brook trout in Back lake, Pittsburg, and Little Diamond pond in Stewartstown.

House Bill No. 269, An act relating to assignment of wage claims to labor commissioner for recovery by civil action.

House Bill No. 368, An act relative to dividend notices of insurance companies.

House Joint Resolution No. 47, Joint resolution in favor of the New Hampshire Veterans' Association.

House Joint Resolution No. 52, Joint resolution in favor of Robert Ramig.

The report was accepted.

Mr. Sanderson of Pittsfield, for the Committee on Appropriations, to whom was referred House Joint Resolution No. 51, Joint resolution making appropriation for the New Hampshire building at the Eastern States Exposition, reported the same with the following resolution:

*Resolved*, Inexpedient to legislate, subject matter covered in the budget.

The report was accepted, and the resolution of the committee adopted.

Mrs. Christiansen of Berlin, for the Committee on Transportation, to whom was referred House Bill No. 131, An act relating to discontinuance of passenger or freight service by railroads, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mr. Sanderson of Pittsfield, for the Committee on Appropriations, to whom was referred House Bill No. 358, An act creating a state aeronautics commission, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mr. Sanderson of Pittsfield, for the Committee on Appropriations, to whom was referred House Joint Resolution No. 32, Joint resolution providing for a survey of roadside conditions in the state, reported the same with the recommendation that the joint resolution ought to pass.

The report was accepted, and the joint resolution ordered to a third reading.

Mrs. Christiansen of Berlin, for the Committee on Transportation, to whom was referred House Bill No. 205, An act relative to the gross weight of motor vehicles, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mr. Normandin of Laconia, for the Committee on Judiciary, to whom was referred House Bill No. 394, An act authorizing the Plymouth Village Fire District to issue notes or bonds, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mr. Sanderson of Pittsfield, for the Committee on Appropriations, to whom was referred House Joint Resolution No. 17, Joint resolution in favor of Everett Hunnewell, reported the same with the following amendment, and the recommendation that the joint resolution as amended ought to pass.



Amend the joint resolution by striking out in the sixth line the word "two" and inserting in place thereof the word, seven, so that said joint resolution as amended shall read as follows:

That the sum of sixty-nine dollars be and hereby is appropriated to Dr. C. L. Smart, of Laconia, one hundred forty dollars to Laconia Hospital, of Laconia, and seven hundred ninety-one dollars to Everett Hunnewell, for reimbursement for expenses sustained as a result of accidental injury to said Everett Hunnewell in New Hampton while working for the state highway department on Shingle Camp hill, so-called, on February 10, 1938. Said sum shall be a charge upon the highway funds and shall be in full settlement of any claim for said accident by said Everett Hunnewell.

The report was accepted, the amendment adopted, and the joint resolution ordered to a third reading.

Mr. Sanderson of Pittsfield, for the Committee on Appropriations, to whom was referred House Bill No. 198, An act to provide for a revision of the Public Laws, reported the same with the following amendments, and the recommendation that the bill as amended ought to pass.

Amend section 1 by inserting in the first line after the word "advice" the words, and consent, so that said section as amended shall read as follows:

1. The Governor, with the advice and consent of the Council, shall, as soon as may be, appoint and commission three persons learned in the law, whose duty it shall be to revise, codify and amend the public laws of this state now in force, including those of the present session and the constitutional amendment adopted following the last Constitutional Convention, and arrange the same, as far as they deem wise, according to the form and order of the Public Laws, and prepare the same for publication before and make a

report to the next session of the Legislature in January, 1941.

Amend section 2 by inserting in the third line after the word "advice" the words, and consent, so that said section as amended shall read as follows:

2. In the case of the death or inability of a person to serve pursuant to said appointment, the Governor, with the advice and consent of the Council, shall have authority to fill such vacancy.

The report was accepted.

The reading of the amendments having commenced, on motion of Mr. Sanderson of Pittsfield further reading of the amendments was dispensed with.

On a *viva voce* vote the amendments were adopted, and the bill ordered to a third reading.

Mr. Normandin of Laconia, for the Committee on Judiciary, to whom was referred Senate Bill No. 54, An act relative to vehicles carrying wood sawing equipment, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 by striking out all after the word "less" in the twelfth line and inserting in place thereof the words, than five nor more than twenty-five dollars, so that said section as amended shall read as follows:

1. *Prohibition.* Amend chapter 103 of the Public Laws by inserting after section 27 the following new section: 27-a. *Wood Sawing Equipment on Vehicles.* No vehicle, motor truck or trailer, carrying wood sawing equipment, shall be operated on the highways of this state when the saw is on the arbor, so called, ready for use, unless such saw is covered with a suitable wooden guard. Any person who shall operate on the highways of this state a vehicle in violation of the

provisions of this section shall be fined not less than five nor more than twenty-five dollars.

The report was accepted, the amendment adopted and the bill ordered to a third reading.

Mr. Gage of Manchester, for the Committee on Labor, to whom was referred House Bill No. 321, An act relative to unemployment compensation, reported the same with the following amendments, and recommendation that the bill as amended ought to pass.

Amend section 6 by inserting after the word "week" in line 4 the words, of less than full time work, so that said section as amended shall read as follows:

6. *Partial Unemployment.* Amend section 1-M of said chapter 179-A by striking out paragraph (2) and inserting in place thereof, the following:

(2) An individual shall be deemed to be "partially unemployed" in any week of less than full time work if the wages payable to him for such week fail to equal his weekly benefit amount.

(3) As used in this subsection, the term "wages" shall not include the first two dollars earned during any week.

Amend the first paragraph of section 9 by striking out the whole thereof and inserting in its place the following:

9. *Waiting Period.* Amend section 3-D and E of said chapter 179-A by striking out all of said section and inserting in place thereof, the following:

Amend the second paragraph of section 9 by striking out the word "three" in line two and inserting in its place the word, two; further amend said paragraph by striking out the words "for a week" in line 7 and inserting after the word "chapter" in

the same line the words, for a week, so that said paragraph as amended shall read as follows:

D. Prior to any week for which he receives benefits, he must have been totally unemployed for a waiting period of two weeks within the same benefit year and fulfilled the other requirements of this section. After every interruption in employment during which an individual is neither partially nor totally unemployed, as defined by section 1-M of this chapter, for a week or longer, or for any week for which a claimant fails to file a claim for benefits, a waiting period of one week must be served, provided that no individual shall be required to accumulate more than five waiting period weeks during any benefit year, and further provided that this requirement shall not interrupt the payment of benefits for consecutive weeks of unemployment because of a change in the benefit year, even though a change in the weekly benefit amount and maximum benefits is effected. For the purposes of this subsection, two weeks of partial unemployment shall be deemed equivalent to one week of total unemployment. No week shall be counted as a week of total unemployment for the purpose of this subsection:

Amend section 15 by inserting after the second paragraph the following:

Any charges which are made against the account of any employer under this section, of which the employer has been notified, shall be considered correct for all purposes unless objections to such charges are received within six months after such notification has been mailed to the employer's last known address.

Any charges which have heretofore been made against the account of any employer for merit rating

purposes, of which the employer has been notified, shall be considered correct for all purposes unless objection to such charges are received within six months after the effective date of this section.

If objections to such charges are received, any re-determination of the amounts charged against employer's accounts, of which the employer has been notified, shall be considered correct for all purposes unless objections to such charges are received within six months after such notification has been mailed to the employer's last known address, so that said section as amended shall read as follows:

15. *Separate Accounts.* The commissioner shall maintain a separate account for each employer and shall credit his account with all the contributions paid by him or on his behalf. But nothing in this chapter shall be construed to grant any employer or individuals in his service prior claims or rights to the amounts paid by him into the fund either on his own behalf or on behalf of such individuals. Benefits paid to an eligible individual shall be charged against the account of his most recent employer.

Any charges which are made against the account of any employer under this section, of which the employer has been notified, shall be considered correct for all purposes unless objections to such charges are received within six months after such notification has been mailed to the employer's last known address.

Any charges which have heretofore been made against the account of any employer for merit rating purposes, of which the employer has been notified, shall be considered correct for all purposes unless objection to such charges are received within six months after the effective date of this section.



If objections to such charges are received, any re-determination of the amounts charged against employer's accounts, of which the employer has been notified, shall be considered correct for all purposes unless objections to such charges are received within six months after such notification has been mailed to the employer's last known address.

The Commissioner shall, by general rules, prescribe the manner in which benefits shall be charged against the accounts of several employers for whom an individual performed employment at the same time.

Amend the fourth paragraph of section 16 by striking out the words "a merit" in line one and inserting in its place the words, an experience, so that said paragraph as amended shall read as follows:

No employer shall be entitled to an experience rating under this subsection for any calendar year unless and until the balance in the Unemployment Compensation Fund as of January 1 of such calendar year equals or exceeds five million dollars; and further provided that no employer shall be entitled to the experience rating granted under this section unless and until there shall have been three calendar years throughout which any one individual in his employ could have received benefits if eligible.

Amend section 23 by striking out the whole of said section and inserting in its place the following:

23. *Takes Effect.* Section 18 of this act shall take effect upon its passage. All other sections shall take effect on July 1, 1939.

The report was accepted.

The reading of the amendments having commenced, on motion of Mr. Tozier of Exeter further reading was dispensed with.

The question being on the amendment.



Mr. Atherton of Nashua moved that the bill and the amendments be laid upon the table to be printed in the Journal for the information of the members.

The question being on the motion of Mr. Atherton.

On a *viva voce* vote the Chair was in doubt.

Mr. Gage of Manchester called for a division.

A division being had 136 member voted in the affirmative and 198 members voted in the negative and the motion to lay upon the table the bill and amendment did not prevail.

The question being on the amendment.

On a *viva voce* vote the amendment was adopted.

Mr. Dupont of Pembroke offered the following amendment.

Amend section 11 of said bill by striking out the words, "three weeks" in lines 7 and 8 of the printed bill and inserting in place thereof the words, one week; further amend said section by striking out the word, "follow" in line 8 and inserting in its place the word, follows; further amend by striking out the word "three", in line 10 of the printed bill and inserting in its place the word, one, so that said section as amended shall read as follows:

11. *Discharge for Misconduct.* Amend section 4-B of said chapter 179-A by striking out all of said section and inserting in place thereof, the following:

B. For the week in which he has been discharged for misconduct connected with his work, if so found by the commissioner, and for the one week which immediately follows such week, in addition to the waiting period. Whichever is the lesser of one times the individual's benefit rate, or such amount as remains unpaid for the benefit year in which such event occurs shall be deducted from his maximum benefits, but no change shall be made in his weekly benefit amount because of this deduction.

The question being on the amendment offered by Mr. Dupont.

(Discussion ensued)

Mr. Dupont of Pembroke spoke in favor of the amendment.

Mr. Tozier of Exeter spoke against the amendment.

Mr. Sherry of Dover moved that the bill and the amendment be laid on the table to be printed.

The question being on the motion of Mr. Sherry.

On a *viva voce* vote the motion did not prevail.

The question being on the amendment offered by Mr. Dupont of Pembroke.

(Discussion ensued)

Messrs. Rivers of Laconia, Emerson of Milford, and Gage of Manchester, spoke against the amendment.

Mr. Conlon of Concord moved the previous question.

The question being,

Shall the main question now be put?

On a *viva voce* vote the previous question was ordered.

The question being on the amendment offered by Mr. Dupont of Pembroke.

On a *viva voce* vote the amendment was not adopted, and the bill ordered to a third reading.

Mr. Gage of Manchester, for the Committee on Labor, to whom was referred House Bill No. 336, An act to establish a state labor relations board to promote industrial peace, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The undersigned, a Minority of the Committee on Labor, to whom was referred House Bill No. 336, An act to establish a state labor relations board to promote industrial peace, having considered the same, and

being unable to agree with the majority, reported the same with the recommendation that the bill ought to pass.

FRANK B. SHEA,  
GLADYS E. MacPHEE,  
JOHN B. MULLEN,  
HAROLD W. CORSON,

The reports were accepted.

Mr. Pennell of Exeter moved that the bills and the accompanying reports be indefinitely postponed.

The question being on the motion to indefinitely postpone.

(Discussion ensued)

Messrs. Pennell of Exeter, and Fernald of Dover, spoke in favor of the motion.

On a *viva voce* vote the motion to indefinitely postpone was adopted.

#### Committee of Conference Report

The Committee of Conference, to whom was referred Senate Bill No. 8, An act providing for the payment by wholesale permittees of certain fees for the sale of certain alcoholic beverages, reported the same with the recommendation that the Senate recede from its position of non-concurrence and accepted the amendment sent up by the House of Representatives.

ALDEGE A. NOEL,  
CHARLES F. BUTLER,

*Conferees on the Part of the Senate.*

HARRY H. FOOTE,  
ESTHER C. BIXBY,  
FORREST E. KNOWLES,

*Conferees on the Part of the House.*

Mr. Foote of Portsmouth moved that the report be adopted.

The question being on the motion of Mr. Foote.

(Discussion ensued)

Mr. Conlon of Concord spoke for the motion.

Mr. O'Shan of Laconia spoke against the motion.

On a *viva voce* vote the report was adopted.

### Message from the Senate

A message from the Honorable Senate by its Clerk announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bills and joint resolution, sent up from the House of Representatives:

House Bill No. 27, An act relating to Foreign Casualty Insurance Companies.

House Bill No. 38, An act relating to cancellation of accident and health insurance policies.

House Bill No. 282, An act relating to investments of life insurance companies.

House Bill No. 368, An act relative to dividend notices of insurance companies.

House Bill No. 384, An act relative to fishing in the tributaries of lake Sunapee.

House Joint Resolution No. 52, Joint resolution in favor of Robert Ramig.

The message further announced that the Senate concurred with the House of Representatives in the passage of the following entitled bill, with amendments, in the passage of which amendments the Senate asked the concurrence of the House of Representatives:

House Bill No. 361, An act relative to the Kearsarge Mountain recreational area.

Amend said bill by inserting after section 1 the following new section:

2. *Prevention of Forest Fires.* Amend chapter 191 of the Public Laws by inserting after section 42 the following new section: 42-a. *Entry Upon Private Land.* The state forester or his authorized agents and assistants may, with the approval of the governor and council, and without being deemed guilty of trespass, enter upon any privately owned land for the purpose of disposing of brush and other inflammable materials in order to reduce or remove forest fire hazards when in the opinion of said forester such work is necessary in the interests of public safety. The provisions of this section shall remain in effect until July 1, 1941.

Further amend said bill by renumbering section 2 to read section 3.

On motion of Mr. Barnard of Manchester the House concurred in the adoption of the amendments sent down from the Honorable Senate.

The bill was then sent to the Secretary of State to be engrossed.

The message further announced that the Senate had voted to adopt the amendments offered by the Committee on Engrossed Bills, to the following house bill, in the adoption of which amendments the Senate asked the concurrence of the House of Representatives:

House Bill No. 156, An act opening Pillsbury Reservation in Washington to all fishing except ice fishing.

Amend section 1 of said bill by inserting after the figure "1937" the words and figures, as amended by section 1, chapter 59, Laws of 1939, and by inserting after the end of said bill the words, all tributaries of Pisgah reservoir in Winchester.

Amend section 2 of said bill by inserting after the figure "1937" the words and figures, as amended by section 2, chapter 45, Laws of 1939, by striking out the words "and all brooks therein" in the third line

and by adding at the end of said section the words, Spoonwood pond in Nelson.

On motion of Mr. Davison of Washington the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

The message also announced that the Senate had passed a bill with the following title, in the passage of which it asked the concurrence of the House of Representatives:

Senate Bill No. 59, An act relating to fishing in Ledge pond in Madison.

#### Senate Bill Read and Referred

Senate Bill No. 59, An act relating to fishing in Ledge pond in Madison.

Read a first and second time and referred to the Committee on Fisheries and Game.

#### Resolutions

Mrs. Batchelder of Hanover offered the following resolution:

*Whereas*, we have learned of the serious injury to Edgar H. Hunter, representative from Hanover, therefore

*Be It Resolved*, That we express our sympathy to our fellow member with our best wishes for his speedy recovery and, be it

*Further Resolved*, That the Clerk of the House be instructed to send flowers to Mr. Hunter together with a copy of these resolutions.

The resolution was unanimously adopted by a rising vote.

Mr. Callahan of Keene offered the following resolution:



*Whereas*, we have learned with sorrow of the death of the Rev. Dominic S. Duffy, brother of John M. Duffy, representative from Keene, therefore be it

*Resolved*, That the Speaker appoint a committee of nine to submit suitable resolutions.

The resolution was unanimously adopted by a rising vote.

The Speaker appointed as members on such committee Messrs. Callahan, Lichman, Martin, Batchelder, Gates, Knowlton, Frissell, Ellery and Dort of Keene.

Mr. Smith of Ward 2, Berlin offered the following resolution:

*Whereas*, the House has learned with sorrow of the loss experienced by our fellow member from Berlin, George R. Paine, in the death of his daughter, Priscilla.

*Therefore Be it Resolved*, That the Speaker appoint a committee of five to draw up suitable resolution.

The resolution was unanimously adopted by a rising vote.

On motion of Mr. Fernald of Dover business in order at 3:00 o'clock was made in order at the present time.

### Third Readings

On motion of Mr. Fernald of Dover the rules were suspended and the third readings of bills by their titles and joint resolutions by their captions made in order.

House Bill No. 198, An act to provide for a revision of the Public Laws.

House Bill No. 205, An act relative to the gross weight of motor vehicles.

House Bill No. 394, An act authorizing the Plymouth Village Fire District to issue notes or bonds.

House Bill No. 358, An act creating a state aeronautics commission.

House Joint Resolution No. 17, Joint resolution in favor of Everett Hunnewell.

House Joint Resolution No. 32, Joint resolution providing for a survey of roadside conditions in the state.

House Bill No. 321, An act relative to unemployment compensation.

Severally read a third time and passed and sent to the Senate for concurrence.

Senate Bill No. 54, An act relative to vehicles carrying wood sawing equipment.

Read a third time and passed and sent to the Senate for concurrence in the amendment.

On motion of Mr. Hall of Langdon at 12:57 o'clock the House adjourned.

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### WEDNESDAY, MAY 3, 1939.

The House met at 11 o'clock.

Prayer was offered by the Chaplain.

#### Leaves of Absence

Messrs. Woodbury of Nashua, Emerson of Milford, and Marden of Holderness, were granted leaves of absence for the day on account of important business.

Messrs. Johnson of Manchester, and Emerson of Dalton were granted leaves of absence for the day on account of attending a funeral.

Mr. Holt of Claremont was granted leave of absence for Wednesday and Thursday on account of illness in the family.

Mr. Converse of Pittsburg was granted leave of absence for the day on account of a death in the family.

Mr. Studley of Rochester was granted leave of absence for Wednesday and Thursday on account of important business.

Mr. Thibodeau of Manchester was granted leave of absence for the rest of the week on account of important business.

### Committee Reports

Mr. Normandin of Laconia, for the Committee on Judiciary, to whom was referred House Bill No. 366, An act to incorporate the New Hampshire Water Service Co., reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mr. Carpenter of Wolfeboro, for the Committee on Fisheries and Game, to whom was referred House Bill No. 400, An act relating to skunks, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mr. Barnard of Manchester, for the Committee on Revision of the Statutes, to whom was referred House Bill No. 413, An act relative to the Congregational Society in Tamworth, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mr. Barnard of Manchester, for the Committee on Revision of the Statutes, to whom was referred House Bill No. 270, An act to authorize the Bureau of Labor to assist and co-operate in the enforcement of the Federal Fair Labor Standards Act of 1938, reported the same with the recommendation that the bill ought to pass.

The report was accepted.

Mr. Fernald of Dover moved that the bill and its accompanying report be indefinitely postponed.

The question being on the motion to indefinitely postpone.

(Discussion ensued)

Mr. Fernald of Dover spoke for the motion.

Messrs. Barnard of Manchester and Wadleigh of Milford spoke against the motion.

On a *viva voce* vote the motion to indefinitely postpone did not prevail.

The bill was then ordered to a third reading.

Mr. Barnard of Manchester, for the Committee on Revision of Statutes, to whom was referred House Bill No. 408, An act defining urban and rural residence districts, under the motor vehicle laws, and regulating speed limit of motor vehicles, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mr. Normandin of Laconia, for the Committee on Judiciary, to whom was referred Senate Bill No. 33, An act relative to brakes for motor vehicle trailers and semi-trailers, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mr. Michie of Deering, for the Committee on Forestry and Recreation, to whom was referred House Bill No. 406, An act relative to the reconveyance of certain property in the town of Boscawen, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mr. St. Francois of Nashua, for the Committee on Military Affairs, to whom was referred House Bill

No. 418, An act relating to the tenure of office of the adjutant general, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mr. Barnard of Manchester, for the Committee on Revision of the Statutes, to whom was referred House Bill No. 404, An act relative to the operation of motor vehicles of non-residents on the highways of the state, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 by striking out the entire section and inserting in place thereof the following:

1. *Definitions.* Amend paragraph XVII of section 1, chapter 99, Public Laws, by striking out said paragraph and inserting in place thereof the following: XVII. "Non-resident" any resident of any state or country who has no regular place of abode or business in this state for a period of more than six months continuously.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mr. Sanderson of Pittsfield, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 423, An act relating to persons who purchase or receive milk within the state for distribution without the state, with the recommendation that the bill be referred to the Committee on Agriculture.

The report was accepted, the bill read a first and second time, laid upon the table to be printed, and referred to the Committee on Agriculture.

Mr. Baker of Concord, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 424, An act relating to

banking, with the recommendation that the bill be referred to the Committee on Banks.

The report was accepted, the bill read a first and second time, laid upon the table to be printed, and, referred to the Committee on Banks.

Mr. Etsler of Claremont, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 425, An act validating proceedings of the annual meeting of the Conway Village Fire District, with the recommendation that the bill be referred to the Committee on Judiciary.

The report was accepted, the bill read a first and second time, laid upon the table to be printed, and referred to the Committee on Judiciary.

On motion of Mr. Merrow of Ossipee, the rules were suspended to allow for the presentation of a committee report which had not previously been advertised in the Journal.

Mr. Merrow of Ossipee, for the Committee on Ways and Means, to whom was referred House Bill No. 398, An act to eliminate the direct state tax on real property, reported the same, in new draft, with the recommendation that the bill be recommitted to the Committee on Ways and Means.

The report was accepted, the bill read a first and second time, laid upon the table to be printed, and re-committed to the Committee on Ways and Means.

### Resolutions

Mr. Freeman of Concord, offered the following resolution:

*Resolved*, That the use of Representatives' Hall be granted to the N. H. Milk Control Board on Friday, May 19, at 11 a. m., for a public hearing.

On a *viva voce* vote the resolution was adopted.



Pursuant to the resolution adopted on Tuesday, May 2, introduced by Mr. Smith of Ward 2, Berlin, the Speaker appointed as members on such committee Messrs. Smith of Ward 2, and Bisson and Mrs. Christiansen, Mrs. Barden and Mrs. Gagnon of Berlin.

### Message from the Senate

A message from the Honorable Senate by its Clerk announced that the Senate had voted to adopt the report of the Committee of Conference on Senate Bill No. 8, (in new draft,) An act providing for the payment by wholesale permittees of certain fees for the sale of certain alcoholic beverages.

The message further announced that the Senate had voted to adopt the amendments offered by the Committee on Engrossed Bills, to the following House Bills, in the adoption of which amendments the Senate asked the concurrence of the House of Representatives:

House Bill No. 139, An act relative to the payment of poll taxes.

Amend section 5 of said bill by striking out the word "community" in the fourth line and inserting in place thereof the word, town.

On motion of Mr. Wadleigh of Milford the House concurred in the adoption of the amendment proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 200 (new draft), An act relative to dealers or manufacturers of motor boats and outboard motors.

Amend the paragraph numbered 15-g in section 1 by striking out the sentence "Upon receipt of such application and fee the dealer or manufacturer may issue to the purchaser a temporary certificate as a receipt for such payment and the temporary certificate or

plate to be attached to such boat or motor" and inserting in place thereof the following sentence:

Upon receipt of such application and fee the dealer or manufacturer may issue to the purchaser a receipt for such payment and a temporary certificate or plate. If a plate is issued it shall be attached to said boat or motor.

On motion of Mr. Callahan of Keene the House concurred in the adoption of the amendment proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 384, An act relative to fishing in the tributaries of Lake Sunapee.

Amend section 2 of said bill by striking out the figures "XII" and inserting in place thereof the figures, XVI, by striking out the figures "35" and inserting in place thereof the figures 98, by striking out the figures "XIII" and inserting in place thereof the figures XVII.

On motion of Mr. Carpenter of Wolfeboro the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

The message also announced that the Senate had passed a bill with the following title, in the passage of which it asked the concurrence of the House of Representatives:

Senate Bill No. 46, An act changing the names of Plymouth and Keene Normal Schools.

#### **Senate Bill Read and Referred**

Senate Bill No. 46, An act changing the names of Plymouth and Keene Normal Schools.

Read a first and second time, and referred to the Committee on Normal Schools.

### Committee Report

On motion of Mr. Rollins of Alton the rules were suspended to allow for the presentation of a committee report, which had not previously been advertised in the Journal.

Mr. Normandin of Laconia, for the Committee on Judiciary, to whom was referred House Bill No. 420, An act relating to the issue of bonds by the county of Belknap, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

### Special Order

Mr. Myhaver of Peterborough called for the special order.

It being, Senate Bill No. 23, An act relating to the State Board of Health.

The question being,

Shall the bill and its accompanying reports be indefinitely postponed?

(Discussion ensued)

Messrs. Atherton of Nashua, Clark of Salisbury, Barnard of Manchester, Saltmarsh of Concord, and Mrs. Cooper of Nashua spoke against the motion.

Mr. Winslow of Chesterfield spoke for the motion.

Mr. Elkins of Concord moved the previous question.

The question being,

Shall the main question now be put?

On a *viva voce* vote the previous question was ordered.

The question being on the motion to indefinitely postpone.

On a *viva voce* vote the motion to indefinitely postpone did not prevail.

The question being,

Shall the bill be read a third time?

On a *viva voce* vote the bill was ordered to a third reading.

On motion of Mr. Fernald of Dover, business in order at 3 o'clock was made in order at the present time.

### Third Readings

On motion of Mr. Fernald of Dover the rules were suspended, and the third readings of bills by their titles made in order.

House Bill No. 270, An act to authorize the Bureau of Labor to assist and co-operate in the enforcement of the Federal Fair Labor Standards Act of 1938.

House Bill No. 404, An act relative to the operation of motor vehicles of non-residents on the highways of this state.

House Bill No. 406, An act relative to the reconveyance of certain property in the town of Boscawen.

House Bill No. 408, An act defining urban and rural residence districts under the motor vehicle laws and regulating speed limit of motor vehicles.

House Bill No. 413, An act relative to the Congregational Society.

House Bill No. 418, An act relating to the tenure of office of the adjutant general.

House Bill No. 420, An act relating to the issue of bonds by the county of Belknap.

Severally read a third time and passed, and sent to the Senate for concurrence.

Senate Bill No. 33, An act relative to brakes for motor vehicle trailers and semi-trailers.

Read a third time and passed, and sent to the Secretary of State to be engrossed.

Senate Bill No. 23, An act relating to the State Board of Health.

Read a third time and passed, and sent to the Senate for concurrence in the amendment.

On motion of Mr. Batchelor of Keene at 12:20 o'clock the House adjourned.

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THURSDAY, MAY 4, 1939.

The House met at 11 o'clock.

Prayer was offered by the Chaplain.

### Leaves of Absence

Messrs. Orlando of Mont Vernon, Nickerson of Madison, Converse of Claremont, Caron of Manchester, Ward 12, and Normandin of Laconia, were granted leaves of absence for the day on account of important business.

Mrs. Smith of Hebron was granted leave of absence for the day on account of important business.

Mr. Congdon of Colebrook was granted leave of absence for the day on account of illness.

The Committee on Normal Schools was granted leave of absence for the day on account of a trip to Plymouth Normal School.

### Resolution

On motion of Mr. Elkins of Concord.

*Resolved*, That when the House adjourns this morning it be to meet Saturday morning at 10 o'clock, and

that when it then adjourns it adjourn to meet Tuesday morning at 11 o'clock.

### Committee Reports

Mr. Sawyer of Woodstock, for the Committee on Engrossed Bills, reported that the committee had examined and found correctly engrossed the following entitled bill:

House Bill No. 156, An act opening Pillsbury Reservation in Washington to all fishing except ice fishing.

The report was accepted.

Mr. Barnard of Manchester, for the Committee on Revision of the Statutes, to whom was referred House Bill No. 102, An act relative to encroachments on highways, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mr. Barnard of Manchester, for the Committee on Revision of the Statutes, to whom was referred House Bill No. 100, An act relative to the protection of state and other highways, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mr. Sanderson of Pittsfield, for the Committee on Appropriations, to whom was referred House Joint Resolution No. 71, Joint resolution in favor of Ernest Moore, reported the same with the recommendation that the joint resolution ought to pass.

The report was accepted, and the joint resolution ordered to a third reading.

Mr. Normandin of Laconia, for the Committee on Judiciary, to whom was referred House Bill No. 402, An act relative to the sewer system in the town of



Wolfeboro, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mr. Sanderson of Pittsfield, for the Committee on Appropriations, to whom was referred House Joint Resolution No. 20, Joint resolution in favor of Gordon F. Harris of Warner, reported the same with the following amendment, and the recommendation that the joint resolution as amended ought to pass.

Amend said resolution by striking out all after the resolving clause and inserting in its place the following: That the sum of two thousand one hundred and ten dollars and thirty-six cents, (\$2,110.36) be and hereby is appropriated for the following purposes: one hundred and twenty dollars (\$120,) to Dr. Robert O. Blood, ten dollars (\$10) to Dr. Thomas J. Halligan, twelve dollars and fifty cents (\$12.50) to Dr. Lloyd H. Cogswell for medical services for Gordon F. Harris of Warner, ninety-one dollars and eighty-six cents, (\$91.86) to said Gordon F. Harris for expenses incurred by him for medical and hospital care, due to an injury suffered by him, July 27, 1937, resulting from an accident on the firing range used by the 172nd Field Artillery of the N. H. National Guard in the town of Salisbury; and forty dollars (\$40) per month be paid to Gordon F. Harris until a total of one thousand eight hundred and seventy-six dollars (\$1,876) has been paid to compensate him for loss of income and permanent injury; said monthly payments to be made through the office of the state treasurer. The sums hereby appropriated shall be in full settlement of said claims and the governor is hereby authorized to draw his warrant for said sums out of any money in the state treasury not otherwise appropriated.

The report was accepted, the amendment adopted, and the joint resolution ordered to a third reading.

### Message from the Senate

A message from the Honorable Senate by its Clerk announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bills, sent up from the House of Representatives:

House Bill No. 365, An act to regulate fishing through the ice.

House Bill No. 391, An act relating to the town of Rye.

House Bill No. 396, An act relating to the taking of trout in Massabesic lake.

The message further announced that the Senate refused to concur with the House of Representatives in the passage of the following entitled bills, sent up from the House of Representatives:

House Bill No. 319, An act relating to the equipment of portable mills.

House Bill No. 397, An act relating to the taking of fish in certain streams in Jackson and vicinity.

The message also announced that the Senate had passed a bill with the following title, in the passage of which it asked the concurrence of the House of Representatives:

Senate Bill No. 51, An act relating to Union School District in Keene.

### Senate Bill Read and Referred

Senate Bill No. 51, An act relating to Union School District in Keene.

Read a first and second time, and referred to the Committee on Judiciary.

On motion of Mr. Fernald of Dover business in order at 3 o'clock was made in order at the present time.

### Third Readings

On motion of Mr. Fernald of Dover the rules were suspended, and the third readings of bills by their titles and joint resolutions by their captions made in order.

House Bill No. 402, An act relative to the sewer system in the town of Wolfeboro.

House Joint Resolution No. 20, Joint resolution in favor of Gordon F. Harris of Warner.

House Joint Resolution No. 71, Joint resolution in favor of Ernest Moore.

Severally read a third time and passed, and sent to the Senate for concurrence.

On motion of Mr. Duffy of Keene at 11:40 o'clock the House adjourned.

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SATURDAY, MAY 6, 1939.

The House met at 10:00 o'clock.

The following letter was read by the Clerk:

Saturday, May 6, 1939.

Mr. George H. Nash,  
Concord, N. H.

DEAR SIR:

I shall be unable to attend the session on Saturday morning. Will you kindly preside for me and oblige.

Yours respectfully,

ANSEL N. SANBORN,  
*Speaker.*

There being no quorum present at 10:01 o'clock the House adjourned.

TUESDAY, MAY 9, 1939.

The House met according to adjournment.

Prayer was offered by the Chaplain.

### Leaves of Absence

Mr. Batchelder of Northfield was granted leave of absence for the day on account of important business.

Mr. Pierce of Bennington was granted leave of absence for the week on account of important business.

Mrs. Charois of Greenville and Mr. Elkins of Concord were granted leaves of absence until further notice on account of important business.

### Committee Reports

Mrs. Batchelder of Hanover, for the Committee on Engrossed Bills, reported that the committee had examined and found correctly engrossed the following entitled bills:

Senate Bill No. 23, An act relating to the state board of health.

Senate Bill No. 33, An act relative to brakes for motor vehicle trailers and semi-trailers.

Senate Bill No. 54, An act relative to the operation of vehicles carrying wood-sawing equipment.

House Bill No. 200, An act relative to dealers or manufacturers of motor boats and outboard motors.

House Bill No. 391, An act relating to the town of Rye.

House Bill No. 139, An act relative to the payment of poll taxes.

House Bill No. 384, An act relative to fishing in the tributaries of Sunapee lake.

House Bill No. 420, An act relating to the issue of bonds by the county of Belknap.

The report was accepted.

Mr. Sanderson of Pittsfield, for the Committee on Appropriations, to whom was referred House Bill No. 285, An act relative to state aid for school districts, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Barnard of Manchester, for the Committee on Revision of the Statutes, to whom was referred House Bill No. 14, An act relating to the homestead right, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Barnard of Manchester, for the Committee on Revision of the Statutes, to whom was referred House Bill No. 99, An act relating to the registration and operation of motor vehicles by non-residents, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Normandin of Laconia, for the Committee on Judiciary, to whom was referred House Bill No. 412, An act relative to the powers of the school district of Hampton, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Normandin of Laconia, or the Committee on Judiciary, to whom was referred House Bill No. 411, An act validating certain proceedings of the town meeting of the town of Lyndeborough, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Tucker of Rye, for the Committee on Coastwise Improvements, to whom was referred House Joint Resolution No. 55, Joint resolution for the construction of an outlet for Little River and the drainage of Little River marsh in the towns of North Hampton and Hampton, reported the same with the following amendment, and the recommendation that the joint resolution as amended ought to pass.

Amend said resolution by striking out the words and figures "ten thousand dollars (\$10,000)" in line one and inserting in place thereof the words and figures, five thousand dollars, (\$5,000) so that said resolution as amended shall read as follows:

That the sum of five thousand dollars (\$5,000) be and hereby is appropriated to be expended under the direction of the state highway commissioner for the improvement of drainage conditions at Little River in the towns of North Hampton and Hampton and to afford an adequate outlet to tide water from Little River, in said towns; and the sum appropriated by the state shall be a charge upon the maintenance funds as provided by chapter 84 of the Public Laws.

The report was accepted, the amendment adopted, and the joint resolution referred to the Committee on Appropriations under the rules.

Mr. Tucker of Rye, for the Committee on Coastwise Improvements, to whom was referred House Bill No. 312, An act relative to the acquisition and improvement of land at Odiorne's Point, Little Harbor, town of Rye, reported the same with the following amendments, and the recommendation that the bill as amended ought to pass.

Amend section 1 of said bill by inserting after the words "to be" in line six the words, improved and; further amend said section by striking out the word "park" in line six and again in line seven so that said section as amended shall read as follows:



1. The governor and council are hereby authorized and empowered to acquire for the state, either by gift, purchase or by eminent domain proceedings, real estate in the town of Rye adjacent to the present monument erected by the Colonial Dames of New Hampshire as a memorial to the English pioneers who landed near that site in 1623 and built the first house in New Hampshire; said real estate to be improved and used for a memorial as shown on a plan filed in the office of the secretary of state entitled (1) Plan and survey showing memorial area of Odiorne's Point, Little Harbor, town of Rye.

Amend section 4 by striking out the words and figures "ten thousand dollars (\$10,000)" and inserting in place thereof the words and figures, five thousand dollars (\$5,000); further amend said section by striking out the word "park" in line three so that said section as amended shall read as follows:

4. *Appropriations.* There is hereby appropriated a sum not to exceed five thousand dollars (\$5,000) for the purpose of acquiring, establishing, improving and maintaining said memorial. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

The report was accepted, the amendment adopted, and the bill referred to the Committee on Appropriations, under the rules.

Mr. Tucker of Rye, for the Committee on Coastwise Improvements, to whom was referred House Bill No. 376, An act providing for improvements at Rye Harbor, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 2 of said bill by inserting after the word "acquisition" in line two the words, and improve-

ment, so that said section as amended shall read as follows:

2. *Expenditure.* Said appropriation shall be expended under the direction of the governor and council for the acquisition and improvements of real estate or interests therein in the vicinity of Rye Harbor and the dredging and improvement of Rye Harbor.

The report was accepted, the amendment adopted, and the bill referred to the Committee on Appropriations, under the rules.

Mrs. Bixby of Berlin, for the Committee on Liquor Laws, to whom was referred House Bill No. 122, An act relating to fees for the sale of beverages, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *Sale of Alcoholic Beverages.* Amend chapter 99 of the Public Laws by inserting after section 36 the following new section: 36-a. *Disposition of Revenue.* All revenue accruing from the additional permit fees as provided in section 21-a of this chapter, as inserted by chapter 149, Laws of 1935, shall hereafter be payable to the state treasury and shall be distributed as follows, one-half thereof for the general purposes of the state government and the balance to the cities and towns where beverages are sold in proportion to the amounts of sales of such beverages in such city or town.

2. *Takes Effect; Repeal.* This act shall take effect July 1, 1939. Section 3 of chapter 157 of the Laws of 1935, relative to the disposition of certain state revenue, is hereby repealed.

The undersigned, a minority of the Committee on Liquor Laws, to whom was referred House Bill No. 122, An act relating to fees for the sale of beverages, and being unable to agree with the majority, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

JOHN C. TILTON,  
GEORGE W. UNDERHILL,  
FRED M. ANDERSON,  
*A Minority of the Committee.*

The reports were accepted.

Mr. Tilton of Concord moved that the bill, the amendment and the accompanying reports be indefinitely postponed.

The question being on the motion of Mr. Tilton.

(Discussion ensued)

Messrs. Tilton of Concord, Clark of Salisbury, Powers of Brookline, Underhill of Nashua and Emerson of Milford spoke in the motion.

Messrs. Kempton of Newport and Coakley of Concord spoke against the motion.

Mr. Wadleigh of Milford moved the previous question.

The question being,

Shall the main question now be put?

On a *viva voce* vote the previous question was ordered.

The question being on the motion to indefinitely postpone.

On a *viva voce* vote the motion did not prevail.

Mr. Coakley of Concord called for a division.

A division being had 214 members voted in the affirmative and 100 members voted in the negative, and the motion to indefinitely postpone prevailed.

### Committee of Conference

The Committee of Conference, to whom was referred House Bill No. 165, An act relating to the construction of sidewalks in the city of Nashua, recommended that the Senate recede from its position in adopting its amendment and that the House recede from its position of non-concurrence in said amendment, and further recommended that the Senate and House adopt the following amendments:

Amend section 2 of said bill by striking out all after the words "real estate" so that said section as amended shall read as follows:

2. *Assessment and Maintenance.* Amend section 2 of chapter 319 of the Laws of 1915 by striking out said section and inserting in place thereof the following: Sect. 2. The cost of such construction may be assessed upon the abutters on such sidewalks in just proportions not exceeding one-half the expense of the same and all assessments so made shall constitute a lien upon the abutting premises and be collected in the same manner as taxes on real estate.

Further amend said bill by inserting after section 2 the following new section:

3. *Maintenance.* Amend section 3 of chapter 319 of the laws of 1915 by striking out said section and inserting in place thereof the following: Sect. 3. Any sidewalk constructed under authority of chapter 319, laws of 1915, prior to May 1, 1939, shall be maintained by the city under the supervision of the board of public works, who may give such instructions to the city engineer as they deem necessary for this purpose. Any sidewalk constructed subsequent to said date shall be maintained by said city for a period of three years from the date of construction and thereafter the ex-

pense of maintenance shall be borne equally by the city and by the abutters and all assessments so made for maintenance shall constitute a lien upon the abutting premises and be collected in the same manner as taxes on real estate.

Further amend said bill by renumbering section 3 to read section 4.

ALDEGE A. NOEL,  
STANLEY JAMES,  
*Conferees on the Part of the Senate.*

WILFRED F. GRANDMAISON,  
GEORGE W. UNDERHILL,  
BLAYLOCK ATHERTON,  
*Conferees on the Part of the House.*

Mr. Atherton of Nashua moved that the report be adopted.

The question being on the motion of Mr. Atherton.

(Discussion ensued)

Mr. Atherton of Nashua spoke for the motion.

Mr. Marquis of Nashua moved that the report be indefinitely postponed.

The question being on the motion to indefinitely postpone.

(Discussion ensued)

Mr. Marquis of Nashua spoke for the motion.

Mr. Atherton of Nashua spoke against the motion.

On a *viva voce* vote the negative appeared to prevail.

Mr. Cormier of Nashua called for a division.

A division being had 204 members voted in the affirmative, and 92 members voted in the negative, the motion to indefinitely postpone the report of the Conference Committee prevailed.

### Message from the Senate

A message from the Honorable Senate by its Clerk announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bill, sent up from the House of Representatives:

House Bill No. 420, An act relating to the issue of bonds by the county of Belknap.

The message further announced that the Senate had voted to concur with the House of Representatives in its amendments to the following entitled bills:

Senate Bill No. 54, An act relative to vehicles carrying wood sawing equipment.

Senate Bill No. 23, An act relating to the State Board of Health.

The message further announced that the Senate had voted to recall from the Governor for further consideration.

House Bill No. 302, An act relating to trapping.

The message further announced that the Senate concurred with the House of Representatives in the passage of the following entitled bill, with amendments, in the passage of which amendments the Senate asked the concurrence of the House of Representatives:

House Bill No. 302, An act relating to trapping.

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1. *Right of Way of Public Highways.* Amend section 6 of chapter 200 of the Public Laws, as inserted by section 4, chapter 124, Laws of 1935, and as amended by section 15-a, chapter 188, Laws of 1937, by adding at the end of said section the words: No person shall set or arrange any trap in or under any bridge, ditch or drainage system, whether artificial or natural, within the limits of the right of way of any



public highway, so that said section as amended shall read as follows: 6. *Setting Traps.* No person shall set or arrange any trap upon any land of which he is not the owner or occupant, except upon land covered by a stream navigable by a boat, until he shall have secured from the owner or occupant a permit in writing signed by said owner or occupant, and until he shall have filed with the director a copy thereof, together with a description of the land on which trapping is to be done. All metal traps shall have stamped or engraved thereon, in a legible and permanent manner, the name of the person setting them. No person shall set or arrange any trap in a public way, cart road, or path, commonly used as a passage way by human beings or domestic animals. No person shall set or arrange any trap in or under any bridge, ditch or drainage system, whether artificial or natural, within the limits of the right of way of any public highway.

On motion of Mr. Leonard of Grafton the House concurred in the adoption of the amendments, sent down from the Honorable Senate.

The bill was then sent to the Secretary of State to be engrossed.

The message also announced that the Senate had passed the following joint resolution, in the passage of which it asked the concurrence of the House of Representatives:

Senate Joint Resolution No. 5, Joint resolution for securing and holding in New Hampshire the 1942 International Ski Federation World Championships.

#### Senate Bill Read and Referred

Senate Joint Resolution No. 5, Joint resolution for securing and holding in New Hampshire the 1942 International Ski Federation World Championships.

Read a first and second time, and referred to the Committee on Appropriations.

### Resolution

*Whereas*, an early adjournment of the New Hampshire Legislature is desired,

*Therefore, Be It Resolved*, That mileage slips shall be signed on Tuesday and Thursday, to insure a full attendance on Thursday and expedite adjournment.

The question being on the resolution.

(Discussion ensued)

Mr. Saltmarsh of Concord spoke for the resolution.

On a *viva voce* vote the resolution was adopted.

On motion of Mr. Fernald of Dover business in order at 3 o'clock was made in order at the present time.

### Third Readings

On motion of Mr. Fernald of Dover the rules were suspended, and the third readings of bills by their titles made in order.

House Bill No. 411, An act validating certain proceedings of the town meeting of the town of Lyndeborough.

House Bill No. 412, An act relative to the powers of the school district of Hampton.

Severally read a third time and passed, and sent to the Senate for concurrence.

On motion of Mr. Bullock of Richmond at 12:24 o'clock the House adjourned.

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WEDNESDAY, MAY 10, 1939.

The House met at 11 o'clock.

Prayer was offered by the Chaplain.

### Leaves of Absence

Messrs. Maley of Newport and Nash of Concord were granted leaves of absence for the day on account of important business.

Messrs. Cryan of Lancaster and Britton of Westmoreland were granted leaves of absence for Wednesday and Thursday on account of important business.

### Committee Report

Mrs. Batchelder of Hanover, for the Committee on Engrossed Bills, reported that the committee had examined and found correctly engrossed the following entitled bills:

House Bill No. 302, An act relating to trapping.

House Bill No. 394, An act authorizing the Plymouth Village Fire District to issue notes or bonds.

The report was accepted.

Mr. Barnard of Manchester, for the Committee on Revision of the Statutes, to whom was referred House Bill No. 409, An act relative to the New Hampshire State Hospital, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mrs. Bixby of Berlin, for the Committee on Liquor Laws, to whom was referred House Bill No. 86, An act relating to the manufacture and sale of cider, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mrs. Bixby of Berlin, for the Committee on Liquor Laws, to whom was referred House Bill No. 243, An

act regulating the number of off-sale permits, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mrs. Bixby of Berlin, for the Committee on Liquor Laws, to whom was referred House Bill No. 107, An act relative to the disposition of revenue derived from the sale of beverages, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mr. Carpenter of Wolfeboro, for the Committee on Fisheries and Game, to whom was referred House Bill No. 375, An act relating to federal aid for wildlife restoration projects, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mr. Normandin of Laconia, for the Committee on Judiciary, to whom was referred House Bill No. 421, An act granting authority to sell land in Londonderry by the Governor and Council, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mr. Normandin of Laconia, for the Committee on Judiciary, to whom was referred House Bill No. 419, An act validating the proceedings of the recessed town meeting in the town of Milford, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mr. Normandin of Laconia, for the Committee on Judiciary, to whom was referred Senate Bill No. 43,

An act relating to the registration of certain motor vehicles, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend by changing the numbers of sections 5 and 6 to 6 and 7, respectively, and by inserting after section 4 the following new section:

5. *Registration Fees, Tractors and Semi-Trailers.* Amend paragraph III of section 1 of chapter 102 of the Public Laws, as amended by section 1 of chapter 94 of the Laws of 1927, by section 1 of chapter 45 of the Laws of 1935, and by chapter 48 of the Laws of 1930, by adding thereto the following: In the registration of any tractor to be used in combination with a semi-trailer, the gross weight shall include the weight of such tractor, the weight of the heaviest semi-trailer to be used therewith, and the weight of the maximum load to be carried thereby, and separate registration certificates and plates shall be provided for the tractor and the semi-trailer. For the registration of each additional or extra semi-trailer the fee shall be twenty-five dollars, so that said paragraph as amended shall read: III. For each motor vehicle, including trailers and semi-trailers equipped with pneumatic tires, except motor cycles and motor cycle sidecars, the following rates based on the gross weight of the vehicle and load: All vehicles and load not exceeding four thousand pounds, thirty-five cents per hundred pounds; exceeding four thousand pounds and not exceeding six thousand pounds, forty-five cents per hundred pounds; exceeding six thousand pounds and not exceeding eight thousand pounds, fifty cents per hundred pounds; exceeding eight thousand pounds, sixty cents per hundred pounds. For all vehicles equipped with hard rubber tires the sum of twenty cents per hundred pounds shall be added to the above



rates. For all vehicles equipped with iron, steel or other hard tires the sum of forty cents per hundred pounds shall be added to the above rates; provided that the minimum fee as provided in this section shall be ten dollars for passenger vehicles and fifteen dollars for trucks. Tractors used for agricultural purposes only, tractors used for power purposes only that do not haul loads on the public highways, tractors used only on snow, and snowmobiles, shall pay one tenth of the above rates. Commercial vehicles or trucks used for agricultural purposes only and used on the public highways only between portions of the farm upon which said vehicle or truck is operated that are not more than two miles apart by the highway at the points of entering upon or leaving shall pay one tenth of the above rates. Well drilling machines on motor vehicle truck chassis and truck shovels on motor vehicle truck chassis shall pay one third of the above rates. Cement mixers, saw rigs and air compressors towed by motor vehicles shall pay one tenth of the above rates except when towed exclusively within the limits of a single city or town, in which case no fees for registration shall be collected. In the registration of any tractor to be used in combination with a semi-trailer, the gross weight shall include the weight of such tractor, the weight of the heaviest semi-trailer to be used therewith, and the weight of the maximum load to be carried thereby, and separate registration certificates and plates shall be provided for the tractor and the semi-trailer. For the registration of each additional or extra semi-trailer the fee shall be twenty-five dollars.

The report was accepted.

The reading of the amendment having commenced, on motion of Mr. Etsler of Claremont further reading of the amendment was dispensed with.



On a *viva voce* vote the amendment was adopted, and the bill ordered to a third reading.

Mr. Barnard of Manchester, for the Committee on Revision of Statutes, to whom was referred Senate Bill No. 5, An act relative to conduct of candidates at primaries and elections and notification of candidates by the Secretary of State, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 by inserting after the word, "distribute" in line seven the words, or post, further amend by striking out in lines eight and nine the words, "or solicit votes for or in behalf of such candidate." so that said section as amended shall read as follows:

1. *Primaries and Elections.* Amend chapter 26 of the Public Laws by inserting after section 86 the following new section: 86-a. *Distribution of Cards, etc.* No person as candidates for office or representing or working for a candidate shall, within the building where an election is being held, distribute or post any cards or other printed or written matter. Whoever violates any of the provisions of this section shall be fined not more than one hundred dollars.

The report was accepted, the amendment adopted and the bill ordered to a third reading.

Mr. Carpenter of Wolfeboro for the Committee on Fisheries and Game, to whom was referred House Bill No. 416, An act to protect the golden and bald eagle, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 4 by striking out the entire section and inserting in place thereof the following:

4. *Unprotected Birds.* English sparrows, European starlings, owls and crows, hawks, except the

golden and bald eagle, and such birds as are protected by the Federal Government.

The report was accepted, the amendment adopted and the bill ordered to a third reading.

Mr. Hutchins of Claremont, for the Committee on Public Health, to whom was referred Senate Bill No. 30, An act relative to the qualifications for applicants for examinations for the practice of medicine, reported the same with the following amendments, and the recommendation that the bill as amended ought to pass.

Amend section 1 by inserting after the words "United States" in the third and eighth lines the words, or a Canadian province in which like privilege is granted to citizens of the United States, so that said section as amended shall read as follows: 1. *Practice of Medicine.* Amend section 10 of chapter 204 of the Public Laws, as amended by chapter 150 of the Laws of 1937, by inserting after the word "character" the words, is a citizen of the United States or a Canadian province in which like privilege is granted to citizens of the United States, so that said section as amended shall read as follows: 10. *Applicants.* The board shall admit to examination any applicant who pays a fee of twenty dollars and submits satisfactory evidence in writing, verified by oath if required, that he is more than twenty-one years of age, of good moral character, is a citizen of the United States or a Canadian province in which like privilege is granted to citizens of the United States, has completed satisfactorily two years' work in college, or has a preliminary education considered and accepted by the board as fully equivalent, has studied the treatment of human ailments not less than four school years in a medical school maintaining at that time a standard satisfactory to the board, and has graduated from such school and has completed an internship, approved by the board, of not less than twelve months.

The provisions of this section may be suspended in whole or in part by order of the board on account of war or other threatened or existing national calamity.

Amend the bill by inserting after section 1 the following new sections:

2. *Practice of Chiropractic.* Amend section 8 of chapter 206 of the Public Laws by inserting after the word "character" in the sixth line the words, a citizen of the United States or a Canadian province in which a like privilege is granted to citizens of the United States, so that said section as amended shall read as follows: 8. *Fees; Qualifications.* Each applicant shall pay to the secretary-treasurer a fee of twenty-five dollars, for which he shall be entitled to an examination and to a re-examination if necessary, within one year. He shall submit to said board satisfactory evidence of a high school education, or its equivalent, shall be at least twenty-one years of age, of good moral character, a citizen of the United States or of a Canadian province in which a like privilege is granted to citizens of the United States, and a graduate of a legally chartered or incorporated school or college of chiropractic requiring a course of three years, of six months each, or its equivalent, as a resident student therein.

Further amend said bill by renumbering section 2 to read section 3.

The report was accepted.

Mr. Frissell of Keene moved that the bill and its accompanying amendments be indefinitely postponed.

The question being on the motion to indefinitely postpone.

(Discussion ensued)

Mr. Frissell of Keene spoke for the motion.

Messrs. Winslow of Chesterfield and Conlon of Concord spoke against the motion.

On a *viva voce* vote the motion to indefinitely postpone did not prevail.

The question being on the adoption of the amendments.

On a *viva voce* vote the amendments were adopted, and the bill ordered to a third reading.

Mr. Atherton of Nashua, for the Committee on Banks, to whom was referred House Bill No. 348, An act relating to investments of savings banks, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1. Amend paragraph I-a of section 3, chapter 262 of the Public Laws, as inserted by section 11, chapter 103, Laws of 1937, by striking out the whole of said paragraph and inserting in place thereof the following: I-a. *Loans Insured by the Federal Housing Administrator*. Those secured by mortgage on real estate situated within or without this State and without respect to the value of such real estate if the federal housing administrator has insured, or made commitment to insure, such notes and bonds, provided the laws of the United States entitle the mortgagee to receive payment of such insurance in cash or the debentures hereafter described, and such debentures issued by the federal housing administrator as are fully guaranteed as to principal and interest by the United States. The authority to invest in loans described in paragraph I and this paragraph shall be so exercised that the total amount invested in such loans shall not exceed seventy-five per cent of the deposits.

2. All acts and parts of acts inconsistent with this act are hereby repealed, and this act shall take effect upon its passage.

The report was accepted, the amendment adopted and the bill ordered to a third reading.

Mr. Carpenter of Wolfeboro, for the Committee on Fisheries and Game, to whom was referred Senate Bill No. 59, An act relating to fishing in Ledge pond in Madison, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend said bill by inserting after section 1 the following new section:

2. Amend section 1, chapter 155 of the Laws of 1935 as amended by chapter 145 of the Laws of 1937 by adding after paragraph X the following new paragraph.

XI. Brook trout not less than ten inches in length may be taken from May first to October first from Big Brook Bog and Big Brook and its tributaries all north of the highway leading from the First to the Second Connecticut Lake. No person shall take in one day, more than five fish nor more than five pounds in weight when taken provided that if he has taken less than five in number and five pounds in weight he shall be entitled to one additional fish.

Further amend by renumbering section 2, section 3.

The report was accepted, the amendment adopted and the bill ordered to a third reading.

Mr. Sanderson of Pittsfield, for the Committee on Appropriations, to whom was referred House Joint Resolution No. 67, (in new draft,) Joint resolution in favor of Clyde Hudson and others, reported the same with the following amendment, and the recommendation that the joint resolution as amended ought to pass.

Amend said resolution by striking out all after the resolving clause and inserting in place thereof the following:



That the sum of four thousand three hundred and two dollars and forty-five cents (\$4,302.45) be and hereby is appropriated for the following purposes:

The sum of one thousand dollars to Clyde Hudson of Grantham; Donald C. Moriarty, M. D. Newport, fourteen dollars; Hitchcock Clinic, Hanover, Dr. Tyson, two dollars; Mary Hitchcock Hospital, Hanover, three hundred and three dollars and forty-five cents; M. C. Kiniry, R. N., Woodstock, Vt., one hundred and forty dollars; Mary Carmichael, R. N., Hanover, sixty dollars; Francis Cacioppo, R. N., Hanover, twenty-five dollars; Mrs. Francis Brown, R. N., Hanover, eighty-seven dollars and fifty cents; Bertha V. Colby, R. N., Hanover, seventeen dollars and fifty cents and Thelma Bushway, R. N., Norwich, Vt., thirteen dollars, expenses on account of an accident suffered by said Clyde Hudson while working for the state on the state highway on November 14, 1938; and in addition to the above sum to Clyde Hudson the sum of two thousand six hundred dollars and forty cents is hereby allowed said Clyde Hudson, to him or to his wife, if living, to be paid in weekly installments of eight dollars and eighty cents per week for three hundred weeks, from November 14, 1938. The sums hereby appropriated shall be a charge upon the highway funds.

The report was accepted, the amendment adopted, and the joint resolution ordered to a third reading.

Mr. St. Francois of Nashua, for the Committee on Military Affairs, to whom was referred House Bill No. 345, An act establishing the Bureau of War Records, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend the title of said bill by striking out the whole thereof and inserting in its place the following:

An act relating to the duties of the Adjutant General.



Amend said bill by striking out all after the enacting clause and inserting in its place the following:

1. Amend section 25, chapter 124, of the Public Laws by striking out the whole of said section and inserting in its place the following:

25. *Duties.* The Adjutant General shall issue all orders of the Governor to the National Guard and unorganized militia and shall make such returns and reports as are required, including an annual report to the Governor on the condition of the National Guard, and such other matters relating to the militia as he may deem expedient. He shall be responsible for the care and preservation of the service records of persons resident of this state who served or who may hereafter serve in the armed forces of this state or in the Army or Navy including the Marine Corps, of the United States, in any war, rebellion, insurrection, military expedition, military occupation or military mobilization, in which the state or the United States has ever been, or may hereafter be, engaged, and he shall perform such other duties as are required of an Adjutant General. He shall be the custodian of all State Armories, target ranges and arsenals and other state military property, and shall be charged with the procuring of all supplies and transportation, at the expense of the state, and the payment of troops when ordered out by the Governor, or with his approval. No expenditures shall be made in any military department of the state without the approval of the Adjutant General.

2. *Takes Effect.* This act shall take effect upon its passage.

The undersigned, a minority of the Committee on Military Affairs, to whom was referred House Bill No. 345, An act establishing the Bureau of War Records,

and being unable to agree with the majority, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 2 by inserting after the word "guard" in line 4 the words, or a retired officer of the United States Army who is a native of New Hampshire, so that said section as amended shall read as follows:

2. *Commissioner.* The Bureau of War Records shall be under the control and direction of a commissioner of war records. Said commissioner, who shall be an officer, or retired officer of the State National Guards or an officer, or retired officer of the United States Army who is a native of New Hampshire, shall be appointed by the governor, with the advice and consent of the council for a term of six years and until his successor is appointed and qualified. The annual salary of said commissioner shall be four thousand dollars.

KARL J. PERSSON,  
CHARLES H. PUTNAM,  
SYDNEY B. CONVERSE,  
MICHAEL P. WEDICK,  
PAUL J. CONNOLLY,  
*A Minority of the Committee.*

The reports were accepted.

Mr. Converse of Claremont moved that the report of the minority be substituted for the report of the majority.

The question being on the motion to substitute.

(Discussion ensued)

Messrs. Converse and Etsler of Claremont spoke for the motion.

Messrs. Rowell of Northwood, Chase of Manchester, St. Francois of Nashua and Emerson of Milford spoke against the motion.

Mr. Normandin of Laconia moved the previous question.

The question being,

Shall the main question now be put?

On a *viva voce* vote the previous question was ordered.

The question being on the motion to substitute.

On a *viva voce* vote the motion to substitute the report of minority for the report of the majority did not prevail.

The question being on the report of the majority of the committee, that the bill ought to pass with amendment.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mr. Sanderson of Pittsfield, for the Committee on Appropriations, to whom was referred House Bill No. 390, An act to provide a bond issue for the eradication of bovine tuberculosis and Bang's disease, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 4 by striking out in the fourth and eighth lines the words, "bovine tuberculosis and"; further amend by inserting after the word "disease" in the fourth and eighth lines the words, and for indemnities for Bovine Tuberculosis, so that said section as amended shall read as follows: 4. *Appropriation.* The proceeds of the sale of the notes issued and sold under the provisions of sections two and three are hereby appropriated for the Department of Agriculture for use in eradicating Bang's disease and for indemnities for bovine tuberculosis as provided

for in chapter 187, Public Laws and amendments thereto, and unexpended portions of said proceeds remaining in the treasury at the end of the fiscal year shall not lapse, but shall be available only for the eradication of Bang's disease and for indemnities for bovine tuberculosis.

The report was accepted, and the amendment adopted.

Mr. Cannell of Lebanon moved that the bill be referred to the 1941 Legislature.

The question being on the motion of Mr. Cannell.

(Discussion ensued)

Messrs. Cannell of Lebanon, Bass of Peterborough, and Ellery of Keene spoke for the motion.

Messrs. Dean of Haverhill, Sanderson of Pittsfield, Clark of Salisbury, Officer of Claremont, and Barnard of Manchester spoke against the motion.

Mr. Atherton of Nashua moved the previous question.

The question being,

Shall the main question now be put?

On a *viva voce* vote the previous question was ordered.

The question being on the motion to refer the bill to the 1941 legislature.

On a *viva voce* vote the motion did not prevail.

Mr. Cannell of Lebanon called for a division.

A division being had 98 members voted in the affirmative and 197 members voted in the negative and the motion to refer the bill to the 1941 legislature did not prevail.

The bill was then ordered to a third reading.

Mr. Baker of Concord, for the Committee on Rules, having considered the subject, reported the following joint resolution:

House Joint Resolution No. 76, Joint resolution in favor of Joseph Caron, with the recommendation that the joint resolution be referred to the Committee on Appropriations.

The report was accepted, the joint resolution read a first and second time, laid upon the table to be printed and referred to the Committee on Appropriations.

Mr. Baker of Concord moved that the rules of the House be suspended, the printing of the bill and its reference to a committee be dispensed with.

The question being on the motion of Mr. Baker.

(Discussion ensued)

Mr. Baker spoke for the motion.

On a *viva voce* vote the motion was adopted and the bill ordered to a third reading.

Mr. Normandin of Laconia, for the Committee on Judiciary, to whom was referred House Bill No. 389, An act consenting to the acquisition of land by the United States for flood control and navigation purposes, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend paragraph (a) of section 1 by striking out the words, controlling a drainage area of approximately 90 square miles, and; further amend said paragraph by striking out the word "said" in line four and inserting in its place the word, the, so that said paragraph as amended shall read as follows:

(a) Bethlehem Junction Reservoir on the Ammonoosuc river, providing a storage for approximately 6 inches of run-off over the drainage area;

Further amend section 1 by striking out paragraph (b);

Amend paragraph (c) by striking out the words, controlling a drainage area of approximately 100

square miles, and; further amend by striking out the word "said" in line three and inserting in its place the word, the, so that said paragraph as amended shall read as follows:

(c) Surry Mountain Reservoir on the Ashuelot river, providing storage for approximately 6 inches of run-off over the drainage area;

Amend paragraph (d) by striking out the words, controlling a drainage area of approximately 125 square miles, and; further amend said paragraph by striking out the word, "said" in line three and inserting in its place the word, the, so that said paragraph as amended shall read as follows:

(d) Blackwater Reservoir on the Blackwater river, providing storage for approximately 6.9 inches of run-off over the drainage area;

Amend paragraph (e) by striking out the words, controlling a drainage area of approximately 1000 square miles, and; further amend said paragraph by striking out the word "said" in line three and inserting in its place the word, the, so that said section as amended shall read as follows:

(e) Franklin Falls Reservoir on the Pemigewasset river, providing storage for approximately 3.2 inches of run-off over the drainage area;

Further amend said section by striking out in paragraph (f) the words, Milford Reservoir on the Souhegan river, controlling a drainage area of approximately 165 square miles and providing storage for approximately 4.8 inches of run-off over said drainage area, so that said paragraph as amended shall read as follows:

(f) Authorized by Congress for the benefit of navigation and the control of destructive flood waters in



the Connecticut river and Merrimack river basins; provided, however, that this State shall retain concurrent jurisdiction with the United States in and over any such lands to the extent that all civil and criminal processes issued under authority of this State may be executed thereon in the same way and manner as if this consent had not been given, and that exclusive jurisdiction shall revert to and revest in this State whenever such lands or interests in land shall cease to be the property of the United States; provided further, however, a suitable plan of every tract of land or interest in land so acquired has been or shall be filed in the office of the Secretary of State within one year after the acquisition thereof.

Further amend said section by renumbering the paragraphs thereof in their alphabetical sequence.

Amend section 2 by striking out the words "or any agency of the State designated by them" in line three and inserting in place thereof the words, upon recommendation of the Water Resources Board, so that said section as amended shall read as follows:

2. Such consent is also hereby given to the acquisition of land or interests therein for such additional projects as may be approved by the governor and council upon recommendation of the Water Resources Board retaining, however, to the State the same jurisdiction as is reserved in section 1 of this act.

The report was accepted.

The question being on the adoption of the amendments.

(Discussion ensued)

Mr. Etsler of Claremont spoke for the amendments. On a *viva voce* vote the amendments were adopted.

Mr. Tilton of Ward 4, Laconia, offered the following amendment:

Amend House Bill No. 389 by striking out sections 1, 2 and 3, and inserting in place thereof the following:

Sect. 1. Subject to the provisions of this act, consent to purchase is hereby given and exclusive jurisdiction, except as hereinafter provided, is ceded to the United States in respect to and over so much land as the United States has or may acquire for flood control purposes under the provisions of Article 1, Section 8, Clause 17 of the Constitution of the United States.

Sect. 2. Such consent shall not be deemed to have been given unless and until (a) there has been a finding by the Land Use Board after consideration of all pertinent facts including the effect of such acquisition upon taxation and tax revenue, that the acquisition of such land by the United States is consistent with the public good, such finding to be made after public hearing upon notice by publication and such other notice, if any, as the Land Use Board may order, and (b) such acquisition has been favorably recommended by said Board to the Governor and Council and authorized by order of said Governor and Council subject to such conditions, if any, as said Board may impose and as may be approved by the Governor and Council.

Sect. 3. Upon approval by the Land Use Board and the Governor and Council as provided in Section 2, the Water Resources Board shall and may acquire such land in the name of the State of New Hampshire under the appropriate provisions of and in accordance with Chapter 121 of the Laws of 1935 as the same is now or may hereafter be amended. After acquisition by the State the Governor and Council is hereby authorized to convey and transfer said land to the United States of America subject to such conditions as may have been imposed by the Land Use Board and approved by the Governor and Council in accordance with Section 2 hereof.

Sect. 4. The State of New Hampshire shall retain concurrent jurisdiction with the United States in and over all land acquired by the United States in pursuance of this act to the extent that all civil and criminal process issued under the authority of this State may be executed thereon in the same manner as if this consent had not been given. Exclusive jurisdiction and title shall revert to and revest in this State whenever such land shall cease to be the property of the United States or is issued by the United States for any purpose other than flood control.

Further amend House Bill No. 389 by renumbering section 4 to read, "Section 5."

Further amend House Bill No. 389 by striking out the title thereof and inserting in place thereof the following:

"An Act Consenting to the Acquisition of Land by the United States for Flood Control Purposes."

The question being on the amendments offered by Mr. Tilton.

(Discussion ensued)

Messrs. Tilton, Ward 4, Laconia, and Sherry of Dover spoke for the amendments.

Messrs. Sanderson of Pittsfield, and Etsler of Claremont spoke against the amendments.

Mr. Chase of Manchester moved the previous question.

The question being,

Shall the main question now be put?

On a *viva voce* vote the previous question was ordered.

The question being on the amendments offered by Mr. Tilton of Ward 4, Laconia.

Mr. Tilton of Ward 4, Laconia, called for a division.

A division being had 74 members voted the affirmative and 217 members voted in the negative and the

amendments offered by Mr. Tilton of Ward 4, Laconia, were not adopted.

Mr. Coolidge of Bristol offered the following amendment:

The Federal Government shall acquire no land in New Hampshire until:

(a) The owner thereof shall have received satisfactory settlement for the same.

(b) The town and State shall have received satisfactory settlement for taxes lost; and all controversial questions of damage shall be decided by the New Hampshire State Tax Commission.

The question being on the amendments offered by Mr. Coolidge of Bristol.

(Discussion ensued)

Mr. Coolidge of Bristol spoke for the amendment.

Mr. Etsler of Claremont spoke against the amendment.

Mr. Fernald of Dover moved the previous question.

The question being,

Shall the main question now be put?

On a *viva voce* vote the previous question was ordered.

The question being on the amendment offered by Mr. Coolidge of Bristol.

On a *viva voce* vote the amendment was not adopted.

Mr. Greene of Laconia offered the following amendment:

This act shall not be construed as granting Federal right to control electric power or generate the same within the boundaries of the State of New Hampshire.

The question being on the amendment offered by Mr. Greene.

(Discussion ensued)

Mr. Greene of Laconia spoke for the amendment.

Mr. Sanderson of Pittsfield spoke against the amendment.

Mr. Sherry of Dover moved that the amendment and the bill be laid upon the table to be printed in the Journal and made a special order for Tuesday, May 16, at 11:01 o'clock.

The question being on the motion of Mr. Sherry.

(Discussion ensued)

Mr. Sherry of Dover spoke for the motion.

Messrs. Tilton of Ward 4, Laconia, Etsler of Claremont and Sanderson of Pittsfield spoke against the motion.

On a *viva voce* vote the motion of Mr. Sherry of Dover did not prevail.

The question being on the amendment offered by Mr. Green of Laconia.

On a *viva voce* vote the amendment was not adopted.

Mr. Chase of Manchester offered the following amendment.

Amend section 1, line 8, by adding after the word "Projects" the words for flood control only.

The question being on the amendment offered by Mr. Chase.

(Discussion ensued)

Messrs. Chase of Manchester and Pierce of Bennington spoke for the amendment.

Mr. Duncan of Jaffrey spoke against the amendment.

Mr. Wadleigh of Milford moved the previous question.

The question being,

Shall the main question now be put?

On a *viva voce* vote the previous question was ordered.

The question being on the amendment offered by Mr. Chase of Manchester.

On a *viva voce* vote the amendment was not adopted.

The bill was then ordered to a third reading.

### Message from the Senate

A message from the Honorable Senate by its Clerk announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bill, sent up from the House of Representatives:

House Bill No. 394, An act authorizing the Plymouth Village Fire District to issue notes or bonds.

The message further announced that the Senate had voted to adopt the amendments offered by the Committee on Engrossed Bills, to the following House Bills, in the adoption of which amendments the Senate asked the concurrence of the House of Representatives:

House Bill No. 361, An act relative to the Kearsarge Mountain recreational area.

Amend the title of said bill by adding at the end thereof the words, and powers and duties of the state forester.

On motion of Mr. Merrow of Ossipee the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 365, An act to regulate fishing through the ice.

1. *Ice Fishing.* Amend section 21, chapter 201, Public Laws, as inserted by section 5, chapter 124, Laws of 1935, by striking out said section and insert-



ing in place thereof the following: 21. *Ice Fishing.* Lake trout, perch, shad, whitefish, pickerel and cusk may be taken through the ice during the open season therefor, with hook and line, tip-ups, or bobs, but no person shall have in use or control at the same time more than six lines, tip-ups or bobs, and such person shall be present and have personal control over the same, except that ten such devices for taking cusk, marked with the name of the owner, may be set and left unattended for a period not longer than twenty-four hours and provided further that none of said hooks and lines, tip-ups or bobs shall be connected by or to any wire, cord or rope extending from any one of said lines, tip-ups or bobs to any other of such devices or be in any other manner connected. Nothing in this section shall be construed as prohibiting fishing for lake trout or shad, through the ice, with one line in hand, in addition to ten such unattended such lines. No person shall take more than two lake trout through the ice in one day.

On motion of Mr. Tilton, Ward 3, of Laconia, the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 396, An act relating to the taking of brook trout in Massabesic lake.

Amend section 1 of said bill by striking out the words and figure "section 3 of" in the first line and by striking out the figure "3-a" in the third line.

On motion of Mr. George of Concord the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bill.

The bill was then sent to the Secretary of State to be engrossed.

The message further announced that the Senate had voted to adopt the report of the Committee of Con-

ference on House Bill No. 165, An act relating to the construction of sidewalks in the city of Nashua.

The message also announced that the Senate had passed a bill and a joint resolution in the passage of which it asked the concurrence of the House of Representatives:

Senate Bill No. 60, An act relating to the manufacture and sale of certain alcoholic beverages.

Senate Joint Resolution No. 7, Joint resolution in appreciation of the work of the School Safety Patrol.

### **Senate Bill and Resolution Read and Referred**

Senate Bill No. 60. An act relating to the manufacture and sale of certain alcoholic beverages.

Read a first and second time and referred to the Committee on Liquor Laws.

Senate Joint Resolution No. 7, Joint resolution in appreciation of the work of the School Safety Patrol.

Read a first and second time and referred to the Committee on Education.

On motion of Mr. Fernald of Dover business in order at 3 o'clock was made in order at the present time.

### **Third Readings**

On motion of Mr. Fernald of Dover the rules were suspended and the third readings of bills by their titles and joint resolutions by their captions made in order.

House Bill No. 389, An act consenting to the acquisition of land by the United States for flood control and navigation purposes.

House Bill No. 345, An act relating to the duties of the Adjutant General.

House Bill No. 348, An act relating to investments of savings banks.

House Bill No. 375, An act relating to federal aid for wildlife restoration projects.

House Bill No. 390, An act to provide a bond issue for the eradication of bovine tuberculosis and Bang's disease.

House Bill No. 416, An act to protect the Golden and bald eagle.

House Bill No. 419, An act validating the proceedings of the recessed town meeting in the town of Milford.

House Bill No. 421, An act granting authority to sell land in Londonderry by the Governor and Council.

House Joint Resolution No. 67, (in new draft), Joint resolution in favor of Clyde Hudson and others.

House Joint Resolution No. 76, Joint resolution in favor of Joseph Caron.

Severally read a third time and passed and sent to the Senate for concurrence.

Senate Bill No. 5, An act relative to conduct of candidates at primaries and elections and notification of candidates by the Secretary of State.

Senate Bill No. 30, An act relative to the qualifications for applicants for examinations for the practice of medicine.

Senate Bill No. 43, An act relating to the registration of certain motor vehicles.

Senate Bill No. 59, An act relating to fishing in Ledge pond in Madison.

Severally read a third time and passed and sent to the Senate for concurrence in the amendments.

On motion of Mr. Bell of Plymouth at 2:43 o'clock the House adjourned.

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THURSDAY, MAY 11, 1939.

The House met at 11 o'clock.

Prayer was offered by the Chaplain.

### Leaves of Absence

Mr. Keough of Gorham was granted leave of absence for the day on account of Superior Court appointment.

Mr. Durette of Manchester was granted leave of absence until further notice on account of important business.

Messrs. Thibodeau of Manchester and Tyler of Benton were granted leave of absence on account of illness.

Messrs. Dunlap of Concord, Putnam of Claremont and Pulsifer of Campton were granted leaves of absence for the day on account of important business.

### Resolution

On motion of Mr. Callahan of Keene,

*Resolved*, That when the House adjourns this morning it be to meet Saturday morning at 10 o'clock and when it then adjourns, it adjourns to meet Tuesday morning at 11 o'clock.

### Committee Reports

Mr. Emerson of Milford, for the Committee on Public Improvements, to whom was referred House Joint Resolution No. 29, Joint resolution relating to the improvement of Mt. Agassiz road, so-called, in the town of Bethlehem, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Emerson of Milford, for the Committee on Public Improvements, to whom was referred House Joint Resolution No. 41, Joint Resolution providing for the dredging of Squam river, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the Committee adopted.

Mr. Emerson of Milford, for the Committee on Public Improvements, to whom was referred House Joint Resolution No. 50, Joint resolution for dredging Gale river in Franconia, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Emerson of Milford, for the Committee on Public Improvements, to whom was referred House Bill No. 213, An act providing for the construction of a state highway west of Hampton Beach in the town of Hampton, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Emerson of Milford, for the Committee on Public Improvements, to whom was referred House Bill No. 393, An act providing for the reconstruction of a toll bridge at Hampton Harbor, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill referred to the Committee on Appropriations under the rules.

Mr. Pulsifer of Campton, for the Committee on Agriculture, to whom was referred House Bill No. 423, An act relating to persons who purchase or receive milk within the state for distribution without the state, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading,

Mr. Emerson of Milford, for the Committee on Public Improvements, to whom was referred House

Bill, No. 414, An act relating to the boundary lines of trunk line, state, state-aided and secondary highways, reported the same with the following amendments, and the recommendation that the bill as amended ought to pass.

Amend said bill by striking out the title and inserting in its place the following:

An act relating to the boundary lines of highways.

Further amend said bill by inserting after section 1 the following new section:

2. *Boundary Lines of Town Highways.* Amend chapter 74 of the Public Laws by inserting after section 2 the following new section: 2-a. *Boundary Lines of Town Highways.* Selectmen may reestablish the boundary lines, limits and locations of any town highway or any part thereof which shall have become lost, uncertain or doubtful and shall have the same powers and shall proceed in the same manner as the highway commissioner as provided in section 7-a of chapter 83 of the Public Laws.

Further amend by renumbering section 2 to read section 3.

The report was accepted.

Mr. Emerson of Milford moved that the reading of the amendment be dispensed with.

The question being on the motion of Mr. Emerson.

(Discussion ensued)

Mr. Emerson spoke on the motion.

On a *viva voce* vote the reading of the amendment was dispensed with.

The amendment was adopted and the bill ordered to a third reading.

Mr. Daniels of Manchester, for the Committee on Appropriations, to whom was referred House Joint Resolution No. 23, Joint Resolution for the repair and



maintenance of the John F. Stark House in the city of Manchester, reported the same with the following amendments, and the recommendation that the joint resolution as amended ought to pass.

Amend the caption of the joint resolution by striking out the same and inserting in place thereof the following:

Joint resolution relative to the repair of the John Stark House in Manchester.

Amend the joint resolution by striking out all after the resolving clause and inserting in place thereof the following:

That the sum of three thousand dollars (\$3,000) be and hereby is appropriated and allowed Molly Stark Chapter, Inc., D. A. R., for making certain repairs to the John Stark House in the city of Manchester. The governor is hereby authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

The report was accepted, the amendments adopted, and the joint resolution ordered to a third reading.

Mrs. Bixby of Berlin, for the Committee on Liquor Laws, to whom was referred House Bill No. 267, An act to prohibit liquor advertising in state stores, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The undersigned, a minority of the Committee on Liquor Laws, to whom was referred House Bill No. 267, An act to prohibit liquor advertising in state stores, and being unable to agree with the majority, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

CHARLES P. COAKLEY,  
JOHN C. TILTON,  
FRED M. ANDERSON,  
*A Minority of the Committee.*

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1. *State Liquor Stores.* Amend section 34 of chapter 3 of the Laws of the special session of 1934 by striking out said section and inserting in place thereof the following: 34. *Advertising.* All advertising of liquor or beverage within the state, other than through the medium of newspapers, magazines, periodicals, and radio broadcasting, is hereby prohibited except as specifically authorized by the commission. All advertising in state stores of specific brands of liquor is hereby prohibited, provided that nothing herein contained shall be construed to prohibit the commission from posting price lists of specific brands of liquor in said state stores.

The reports were accepted.

Mr. Tilton of Concord moved that the report of the minority be substituted for the report of the majority.

The question being on the motion to substitute.

(Discussion ensued)

Messrs. Tilton of Concord, Coakley of Concord, Duncan of Jaffrey, Gage of Manchester, Woodbury of Ward 2, Manchester, Powers of Brookline and Baker of Concord spoke for the motion.

Messrs. Conlon of Concord and Tilton of Ward 4, Laconia, spoke against the motion.

Mrs. Bixby of Berlin moved the previous question.

The question being,

Shall the main question now be put?

On a *viva voce* vote the previous question was ordered.

The question being on the motion to substitute the report of the minority for the report of the majority.

Mr. Kimball of Manchester called for a division.

A division being had 190 members voted in the affirmative and 98 members voted in the negative and the

motion to substitute the report of the minority "ought to pass with amendment," for the report of the majority "inexpedient to legislate" prevailed.

The question being on the amendment.

On a *viva voce* vote the amendment was adopted and the bill ordered to a third reading.

### Message from the Senate

A message from the Honorable Senate by its Clerk announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bills and joint resolutions, sent up from the House of Representatives:

House Bill No. 205, An act relative to the gross weight of motor vehicles.

House Bill No. 381, An act relative to the maintenance of roads within certain state reservations.

House Bill No. 408, An act defining urban and rural residence districts, under the motor vehicle laws and regulating speed limit of motor vehicles.

House Bill No. 413, An act relative to the Congregational Society in Tamworth.

House Joint Resolution No. 32, Joint resolution providing for a survey of roadside conditions in the state.

The message also announced that the Senate had voted to adopt the amendments offered by the Committee on Engrossed Bills, to the following house bills, in the adoption of which amendments the Senate asked the concurrence of the House of Representatives.

Senate Bill No. 8, An act providing for the payment by wholesale permittees of certain fees for the sale of certain alcoholic beverages.

Amend sections 2 and 4 of said bill by inserting before the words "ten per cent" the words, when due.

Amend section 7 of said bill by striking out the word "may" in the sixth line and inserting in place thereof the word, shall.

On motion of Mr. Conlon of Concord the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

### Resolution

Mr. Gilmartin of Manchester offered the following resolution:

*Whereas*, We have with deep regret learned of the death of the mother of our colleague, the Honorable Louis J. Head, member from Manchester, Ward 10, therefore,

*Be It Resolved*, That in the words written by one, of his own mother, we express to our fellow member our sincere sympathy, making

"A vow to keep her life alive  
In deeds of pure affection,  
So that her love shall find in them  
A daily resurrection;  
A constant prayer that they may wear  
Some touch of that supernal light  
With which she blossoms in God's sight;"

and be it

*Further Resolved*, That when the House adjourns today it shall adjourn in memory and in honor of Mrs. Head and of all Mothers, now among us, or gone to their reward; and that the Clerk of the House send to Mr. Head a copy of these resolutions.

The resolution was unanimously adopted by a rising vote.

On motion of Mr. Fernald of Dover business in order at 3 o'clock was made in order at the present time.

### Third Readings

On motion of Mr. Fernald of Dover the rules were suspended and the third readings of bills by their titles and joint resolution by its caption made in order.

House Bill No. 267, An act to prohibit liquor advertising in state stores.

House Bill No. 414, An act relating to boundary lines of highways.

House Bill No. 423, An act relating to persons who purchase or receive milk within the state for distribution without the state.

House Joint Resolution No. 23, Joint resolution relating to the repair of the John Stark House in Manchester.

Severally read a third time and passed and sent to the Senate for concurrence.

On motion of Miss Woodbury of Manchester, Ward 3, at 12:40 o'clock the House adjourned.

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SATURDAY, MAY 13, 1939.

The House met at 10:00 o'clock.

The following letter was read by the Clerk:

Saturday, May 13, 1939.

Mr. George H. Nash,  
Concord, N. H.

DEAR SIR:

I shall be unable to attend the session on Saturday morning. Will you kindly preside for me and oblige.

Yours respectfully,

ANSEL N. SANBORN,  
*Speaker.*

There being no quorum present at 10:01 o'clock the House adjourned.

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TUESDAY, MAY 16, 1939.

The House met according to adjournment.

Prayer was offered by the Chaplain.

### Leaves of Absence

Messrs. Liberson of Portsmouth, Hurbonovich and Senechal of Nashua were granted leaves of absence for the day on account of important business.

Messrs. Conlon of Concord and Jackson of Columbia were granted leaves of absence for the week on account of important business.

Mr. Carpenter of Wolfeboro was granted leave of absence for the week on account of a bad fire at his home.

Mr. Hambleton of Goffstown was granted leave of absence for the week on account of illness.

Mr. Etsler of Claremont was granted leave of absence for Wednesday and Thursday on account of funerals.

Mrs. Batchelder of Hanover reported favorably on the condition of Mr. Hunter of Hanover.

### Committee Reports

Mrs. Batchelder of Hanover, for the Committee on Engrossed Bills, reported that the committee had examined and found correctly engrossed the following entitled bills and joint resolutions:

House Bill No. 205, An act relative to the gross weight of motor vehicles.



House Bill No. 361, An act relative to the Kearsarge Mountain recreational area and powers and duties of the state forester.

House Bill No. 365, An act to regulate fishing through the ice.

House Bill No. 381, An act relative to the maintenance of roads within certain state reservations.

House Bill No. 396, An act relating to the taking of lake trout in Massabesic lake.

House Bill No. 408, An act defining urban and rural residence districts, under the motor vehicle laws, and regulating speed limit of motor vehicles.

House Bill No. 413, An act relative to the Congregational Society in Tamworth.

House Joint Resolution No. 32, Joint resolution providing for a survey of roadside conditions in the state.

Senate Bill No. 5, An act relative to conduct of candidates at primaries and elections and notification of candidates by the Secretary of State.

Senate Bill No. 8, An act providing for the payment by wholesale permittees of certain fees for the sale of certain alcoholic beverages.

Senate Bill No. 43, An act relating to the registration of certain motor vehicles.

House Bill No. 270, An act to authorize the bureau of labor to assist and co-operate in the enforcement of the Federal Fair Labor Standards Act of 1938.

House Bill No. 329, An act relative to the issuance of bonds or notes to forward the building program at the University of New Hampshire, and to be liquidated from university income.

House Joint Resolution No. 64, Joint resolution relating to occupational diseases.

The report was accepted.

Mr. Hutchins of Claremont, for the Committee on Public Health, to whom was referred House Bill No. 177 (in new draft), An act relating to plumbing and

the licensing of plumbers, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Merrow of Ossipee, for the Committee on Ways and Means, to whom was referred House Bill No. 266, An act relative to taxation of property of municipal water works, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Merrow of Ossipee, for the Committee on Ways and Means, to whom was referred House Bill No. 10, An act relative to taxation of property of municipal water-works, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Merrow of Ossipee, for the Committee on Ways and Means, to whom was referred House Bill No. 350, An act to amend and clarify the law relating to motor vehicles, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 6 by adding at the end thereof the following: Equipment mounted on trucks of which the equipment is an integral part of the unit shall be registered at one-third of the regular rates, so that said section as amended shall read as follows:

6. *Amendment*. Amend section 1, chapter 99 of the Public Laws by adding at the end of said section a new paragraph reading as follows: XXVIII. "Highway building equipment," shall include all bull-

dozers, rollers, scrapers, graders, spreaders, pavers, bituminous mixers, retreading machines, compressors, power shovels, excavators, wagons, concrete mixers, bucket loaders, snow loaders, rooters, scarifiers and tractors, while being used in connection with the building, repair or maintenance of highways or while being transported or moved over the highways under a permit from the board or officer having charge of such highway, or, in the case of a state highway or highway determined by the state highway department to be a through route, from the state highway commissioner, and such permit may limit the time within which it shall be in force and the highways which may be used and may contain any provisions or conditions necessary for the protection of such highways from injury. Road oilers, bituminous distributors and heavy duty platform trailers are expressly excepted from this definition. Equipment mounted on trucks of which the equipment is an integral part of the unit shall be registered at one-third of the regular rates.

The report was accepted, the amendment adopted and the bill ordered to a third reading.

Mr. Sanderson of Pittsfield, for the Committee on Appropriations, to whom was referred Senate Joint Resolution No. 5, Joint resolution for securing and holding in New Hampshire the 1942 International Ski Federation World Championships, reported the same with the recommendation that the Joint resolution ought to pass.

The report was accepted and the joint resolution ordered to a third reading.

Mrs. Hayes of Barrington, for the special committee consisting of the delegation from the county of Strafford, to whom was referred House Bill No. 253, An act relating to clerk hire in the probate office of Strafford county, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Normandin of Laconia, for the Committee on Judiciary, to whom was referred House Bill No. 225, (in new draft), An act establishing a merit system of personnel administration for state employees, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

We, the undersigned, a minority of the Committee on Judiciary, to whom was referred House Bill No. 225, (in new draft), An act establishing a merit system of personnel administration for state employees, and being unable to agree with the majority, report the same with the following amendment, and the recommendation that the bill in its new draft as amended ought to pass.

Amend by striking out paragraph (g) of Section VII and inserting in place thereof the following:

Officers and members of the professional and technical staff and patient or inmate help in the New Hampshire State Hospital and State Charitable, Penal and Correctional Institutions.

MABEL THOMPSON COOPER,  
FRANK E. GEORGE,  
F. T. WADLEIGH,  
LEO LIBERSON,  
ARTHUR J. REINHART,  
GEO GRINNELL,

*A Minority of the Committee.*

The reports were accepted.

Mrs. Cooper of Nashua moved that the report of the minority be substituted for the report of the majority.

The question being on the motion to substitute.

(Discussion ensued)

Mrs. Cooper of Nashua, and Messrs. George of Concord, Wadleigh of Milford, Shaw of Franklin, Reinhart of Portsmouth, and Hayes of Dover spoke for the motion.

(Miss Woodbury of Manchester in the Chair)

Messrs. Sawyer of Jaffery, Nash of Concord, Duncan of Jaffery, Hamilton of Lisbon, Ellery of Keene, and Sanderson of Pittsfield spoke against the motion.

(The Speaker in the Chair)

Mr. Normandin of Laconia moved the previous question.

The question being,

Shall the main question now be put?

On a *viva voce* vote the previous question was ordered.

The question being on the motion to substitute report of the minority "ought to pass with amendment," for the report of the majority "inexpedient to legislate."

Mrs. Cooper of Nashua called for a division.

A division being had 47 members voted in the affirmative and 293 members voted in the negative and the motion to substitute the report of the minority for that of the majority did not prevail.

The question being on the resolution reported by the committee that it is inexpedient to legislate.

On a *viva voce* vote the resolution of the committee was adopted.

### Message from the Governor

The Honorable Secretary of State then appeared and laid before the House the following veto message from His Excellency the Governor.

## EXECUTIVE DEPARTMENT

State of New Hampshire

Concord

*To the House of Representatives:*

I am returning House Joint Resolution No. 32 without my signature, being convinced that if enacted into law it would improperly extend the state planning function into a field which clearly is departmental. The undertakings which the resolution would entrust to the State Planning Development Commission's advisory committee on roadside development are normal elements of highway planning and development inseparably connected with road layout, construction and maintenance.

These duties are not such as could, for technical reasons, be assumed and efficiently executed by the State Planning and Development Commission. Obviously, they should continue to be responsibilities of the State Highway Department which is primarily concerned; which has the requisite specialized engineering knowledge and mechanical equipment, and which has regularly been engaged in this work for a long time through its roadside development division.

Even more important than that objection to the resolution is the financial question involved. I consider that it would be absolutely contrary to sound public policy to transfer operations having to do with road and roadside planning and development from the State Highway Department, where they are chargeable to funds derived from the gasoline road toll which by constitutional amendment are available exclusively for highway work, to the State Planning and Development Commission where their conduct would neces-



sarily constitute an added burden of expense upon the general taxpayer. Accordingly, I veto this resolution.

FRANCIS P. MURPHY,  
*Governor.*

The question being,

Shall the bill pass notwithstanding the veto of His Excellency the Governor?

The roll was called with the following result:

**Yeas, 1**

ROCKINGHAM COUNTY: Palmer of Plaistow.

**Nays, 351**

ROCKINGHAM COUNTY: Stowe, Havican, Persson, Goodrich, Rand, Corson, Grinnell, Hepworth, Avery of East Kingston, Fecteau, Bourn, Pennell, Thompson of Exeter, Tozier, Beede, Miller of Greenland, Emerson of Hampstead, Adams of Hampton, Creighton, Keay, Nesmith, Smith of Newfields, Hoyt of Newington, Willey, Prescott, Knowles, Rowell of Northwood, Fransoso, Reinhart, Foote, Gray, Marston, Yeaton, Palfrey, Quimby, Tucker, Peever, Smith of Seabrook, Currier, Jewell of Stratham, Butterfield.

STRAFFORD COUNTY: Hayes of Barrington, Hayes of Dover, Loughlin, Sherry, Cronin, King, Fernald of Dover, Brown of Dover, Lucas, Durnin, Smart, Blanchard, Hale, Plummer, Conrad, Emerson of Rochester, Young of Rochester, Beaudoin, Potvin, Studley, Greenfield, Seavey, Habel, Boucher, Hebert, St. Laurent, Dubois, Berry.

BELKNAP COUNTY: Rollins, Hier, Adams of Belmont, Lord, Price, O'Shan, Tarlson, Guay, Normandin, Tilton, Ward 3, Laconia, Roucher, Tilton, Ward 4, Laconia, Rivers, Greene, Simpson of Laconia, Brown

of Meredith, Neal, Smith of New Hampton, Morse, Goodwin of Tilton.

CARROLL COUNTY: Simpson of Bartlett, Downs, Mudgett, Russell of Conway, Gale, Fernald of Jackson, Nickerson, Banfield, Knox, Vittum, Young of Tuftonboro, Jewell of Wolfeboro.

MERRIMACK COUNTY: MacPhee, Nichols, Woodbury of Bow, Trow, Morrill, Coakley, Dunlap, Kemp, Hancock, Nash, Osborne of Concord, Saltmarsh, Sturtevant, Tilton of Concord, Bunten, Freeman, George, Maxham, Hoyt of Concord, Collins of Danbury, Milburn, Yeaton of Epson, Maxfield, Carignan, Lemire, Dempsey, Shaw, Burnham, DuDevoir, Nelson of Hopkinton, Merrill of Loudon, Cheney, Swift, Batchelder of Northfield, Boisvert of Pembroke, Perkins, Sanderson, Clark of Salisbury, Anderson, Cloues, Stuart.

HILLSBOROUGH COUNTY: Bills, Graham, Wiggins, Powers, Michie, Clark of Francestown, Brown of Goffstown, Pattee, Tuttle, Boynton, Gay, Wilson, Smith of Hudson, Bergholtz, Daniels, Knowlton of Manchester, Gage, Johnson, Woodbury of Manchester, Ward 2, Barry of Manchester, Ward 3, Dwyer, Shea of Manchester, Talty, Woodbury of Manchester, Ward 3, Frain, McGowan, O'Neil, Dulac, Lacroix, O'Brien, Barry of Manchester, Ward 6, Booth, Connolly, Fox, Benoit of Manchester, Ward 7, Gaumont, Poirier, Turcotte, Bouthiette, Brousseau, Constant, Donnelly, Gelinas, Kane, Wedick, Driscoll, Brown of Manchester, Caron of Manchester, Ward 10, Gilmartin, Head, Mullen, Roukey, Aubin, Caron of Manchester, Ward 12, Letendre, Soucy, Duval, Rousseau, Thibodeau, Whitaker, Carter, Emerson of Milford, Wadleigh, Erlando, Atherton, Cooper, Woodbury of Nashua, Duclos, Griswold, Goulet, Trombley, Sullivan, Thomas

F. of Nashua, Sullivan, Timothy J. of Nashua, Berube, Marquis, Moussette, Fournier, St. Francois, Shea of Nashua, Goyette, Ledoux, Lougee, Cormier, Grandmaison, Joyce, Wilcox, Shedd, Thompson of New Ipswich, Jones, Bass, Myhaver, Peaslee, Dugan.

CHESHIRE COUNTY: Moore, Winslow, Miller of Fitzwilliam, Hanson, Clark of Harrisville, Robertson, Duncan, Sawyer of Jaffrey, Batchelder, Callahan, Knowlton of Keene, Frissell, Martin, Dort, Cates, Ellery, Lichman, Duffy, Phelps, Bullock, Rice, Lane, Perry, Wheeler, Smith of Troy, Chickering, Relihan, Britton, Ingham, Nelson of Winchester.

SULLIVAN COUNTY: Hutchins of Charlestown, Babcock, Converse of Claremont, Etsler, Holt, Howe, Hutchins of Claremont, Officer, Putham, Russell of Claremont, Warner, Witherill, Barton, Hastings, Hall, Donovan, Kempton, Maley, Rowell of Newport, Whitney, Osborne of Sunapee, Callum, Davison.

GRAFTON COUNTY: Swayne, Bailey of Bath, Tyler, Noyes of Bethlehem, Coolidge, Pulsifer, Campbell, Ashley, Walbridge, Hodge, Leonard, Batchelder of Hanover, Tuxbury, Craig, Dean, Strobridge, Smith of Hebron, Marden, Cannell, Dow, French, Hough, Howard, Hoyt of Lebanon, Hamilton, Collins, of Lisbon, Bowker, Hildebrand, Whitcomb, Santy, Bailey of Lyme, Lufkin, Bell, Merrill of Plymouth, Taylor, Dreghorn.

COOS COUNTY: Barden, Mason, Paine, Smith of Berlin, Ward 1, Montminy, Palmer of Berlin, Trottier, Bisson, Christiansen, Ramsey, Bixby, Gagnon of Berlin, Laforce Congdon, Emerson of Dalton, Stiles, Keough, Willis, Cryan, Hartford, Peabody, Marshall, Rowden, Converse of Pittsburg, Boothman, Phelan, Hinman, McIntyre.

And the veto of the Governor was sustained.

### Report of Special Committee

*To the Governor, the Executive Council, the Honorable Senate and the House of Representatives of the State of New Hampshire:*

In accordance with the provisions of chapter 116, Laws of 1931, the biennial report of the New Hampshire Shore and Beach Preservation and Development Commission is respectfully submitted.

The report was accepted.

Mr. Pennell of Exeter moved that the printing of the report in the Journal be dispensed with and that the Clerk be instructed to have printed in pamphlet form the usual number of copies.

On a *viva voce* vote the motion was adopted.

### Message from the Senate

A message from the Honorable Senate by its Clerk announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bills and joint resolution, sent up from the House of Representatives:

House Bill No. 270, An act to authorize the Bureau of Labor to assist and cooperate in the enforcement of the Federal Fair Labor Standards Act of 1938.

House Bill No. 321, An act relative to unemployment compensation.

House Bill No. 329, An act relative to the issuance of bonds or notes to forward the building program at the University of New Hampshire, and to be liquidated from University income.

House Bill No. 369, An act to provide highway funds for construction, reconstruction and maintenance and for the reimbursement of towns for hurricane-flood damage.

House Bill No. 404, An act relative to the operation of motor vehicles of non-residents on the highways of this state.

House Joint Resolution No. 12, Joint resolution to provide for additional facilities at the State Sanatorium.

House Joint Resolution No. 64, Joint resolution relating to occupational diseases.

The message further announced that the Senate had voted to concur with the House of Representatives in its amendments to the following entitled bills:

Senate Bill No. 5, An act relative to conduct of candidates at primaries and elections and notification of candidates by the Secretary of State.

Senate Bill No. 30, An act relative to the qualifications for applicants for examinations for the practice of medicine.

Senate Bill No. 43, An act relating to the registration of certain motor vehicles.

Senate Bill No. 59, An act relating to fishing in Ledge pond in Madison.

The message further announced that the Senate concurred with the House of Representatives in the passage of the following entitled bills, with amendment, in the passage of which amendment the Senate asked the concurrence of the House of Representatives:

House Bill No. 349, An act relative to the collection of legacy taxes upon certain contingent devises and bequests.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *Taxation of Legacies and Successions.* Amend section 10 of chapter 72 of the Public Laws by adding at the end thereof the following: Whenever a tax shall hereafter be collected under the provisions of sections 7, 8 and 9 in a case where the intermediate

estate shall pass to a husband or wife with the right to use or expend such portions of the principal as may be necessary for his or her reasonable support and maintenance and the principal shall prove to be in sufficient for that purpose, and he or she is without other means of support, then he or she may apply to the probate court for an abatement of the entire tax and upon such abatement the state treasurer shall repay the amount so collected with interest as aforesaid, so that said section as amended shall read as follows:

10. *Abatement.* If at the termination of the intermediate estate such remainder or any portion thereof shall pass to a person or corporation which at the time of the death of the decedent was exempt from such tax, such person or corporation may, at any time within one year after the termination of the intermediate estate, but not afterwards, apply to the probate court for an abatement of the tax on such remainder as provided in section 41, And the state treasurer shall repay the amount adjudged to have been illegally exacted as provided in section 43, with interest thereon at three per cent per annum from the date of the payment of the tax. Whenever a tax shall hereafter be collected under the provisions of sections 7, 8 and 9 in a case where the intermediate estate shall pass to a husband or wife with the right to use or expend such portions of the principal as may be necessary for his or her reasonable support and maintenance and the principal shall prove to be insufficient for that purpose, and he or she is without other means of support, then he or she may apply to the probate court for an abatement of the entire tax and upon such abatement the state treasurer shall repay the amount so collected with interest as aforesaid.

2. *Takes Effect.* This act shall take effect upon its passage.



Mr. Etsler of Claremont moved that the House concur in the amendments sent down from the Honorable Senate.

The question being on the motion of Mr. Etsler.

Mr. Sherry of Dover moved that the bill and accompanying amendment be laid upon the table and printed in the journal for the information of the members.

The question being on the motion of Mr. Sherry.

(Discussion ensued)

Messrs. Sherry of Dover and Etsler of Claremont spoke for the motion.

On a *viva voce* vote the motion prevailed and the bill and accompanying amendment was laid upon the table to be printed in the journal.

House Bill No. 374, An act relative to employees of the Fish and Game Department.

Amend section 1 of said bill by striking out said section and inserting in place thereof the following:

1. *Fish and Game Department.* Amend section 23 of chapter 196 of the Public Laws, as inserted by section 1, chapter 123, Laws of 1935, by striking out said section and inserting in place thereof the following: 23. *Compensation of Employees.* The annual rate of compensation for a position in the department, except the director and as otherwise herein provided, shall not exceed twenty-five hundred dollars, and within that limit, shall be fixed by the commission. The director may employ a biologist in said department at an annual compensation to be fixed by the commission, which need not be within said limit.

Mr. Guay of Laconia moved that the House concur in the amendment sent down from the Honorable Senate.

The question being on the motion of Mr. Guay.

(Discussion ensued)

Mr. Sherry of Dover spoke against the motion.

Messrs. Guay of Laconia and Duncan of Jaffrey spoke for the motion.

On a *viva voce* vote the motion to concur in the adoption of the amendment sent down by the Honorable Senate was adopted.

The bill was then sent to the Secretary of State to be engrossed.

The message further announced that the Senate had voted to adopt the amendments offered by the Committee on Engrossed Bills, to the following house bills, in the adoption of which amendments the Senate asked the concurrence of the House of Representatives:

House Bill No. 369, An act to provide highway funds for construction, reconstruction and maintenance and for the reimbursement of towns for hurricane-flood damage.

Amend section 3 of said bill by striking out the word "construction" in the last line and inserting in place thereof the word, reconstruction.

Amend section 7 by striking out the word "chart" in the twenty-fifth line and inserting in place thereof the word plan.

Amend section 11 by striking out the words and figures "as amended by chapter 115 of the Laws of 1931" and inserting in place thereof the words and figures, as amended by chapter 151 of the Laws of 1933. And further amend said section 11 by inserting after the figure "41" in the twenty-third line the word, and.

On motion of Mr. Emerson of Milford the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

Senate Bill No. 30, An act relative to the qualifications for applicants for examinations for the practice of medicine.

Amend the title of said bill by inserting at the end of the same the words, and the practice of chiropractic.

On motion of Mr. Winslow of Chesterfield, the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 219, An act closing certain waters in the towns of Cambridge and Errol to fishing.

Amend section 1 of said bill by striking out said section and inserting in place thereof the following:

1. *Closed to Fishing; Exception.* Amend section 7 of chapter 155 of the Laws of 1935, as inserted by section 4, chapter 96, Laws of 1937, by adding after paragraph XVII, as inserted by an act entitled "An act relative to fishing in the tributaries of Sunapee lake" passed at the 1939 session of the General Court, the following new paragraph:

XVIII. Sessions pond brook in Cambridge, Little Millsfield pond brook, Jackknife Hill brook, Munn pond brook and Smoky Camp brook in the town of Errol, from the west side of the main roads, except that smelt may be taken by the use of a dipnet, during the open season therefor.

2. *Repeal.* So much of section 3-a, chapter 155, Laws of 1935, as inserted by section 4, chapter 170, Laws of 1937, as is inconsistent with the provisions hereof is hereby repealed.

Further amend said bill by renumbering section 2 to read section 3.

On motion of Mr. Howe of Claremont the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 321, An act relative to unemployment compensation.

Amend section 9 of said bill by striking out the first two lines and inserting in place thereof the following:

9. *Waiting Period.* Amend section 3 of said chapter 179-A by striking out subsections D and E and inserting in place thereof the following:

Amend section 15 of said bill by striking out the words "employer's accounts" in the twenty-fifth line and inserting in place thereof the words, an employer's account.

Amend section 16 of said bill by inserting the word "of" after the word "all" in the second line.

Amend section 20 of said bill by inserting a comma after the word "private" in the sixth line.

Amend section 21 by inserting the letter K at the beginning of the ninth line.

On motion of Mr. Tozier of Exeter the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

The message also announced that the Senate had passed a bill with the following title, in the passage of which it asked the concurrence of the House of Representatives:

Senate Bill No. 61, An act relative to the use of highways by bicycle riders and others.

#### **Senate Bill Read and Referred**

Senate Bill No. 61, An act relative to the use of highways by bicycle riders and others.

Read a first and second time and referred to the Committee on Judiciary.

**Concurrent Resolution**

Mr. O'Shan of Laconia offered the concurrent resolution:

*Whereas*, It appears that all necessary legislative work may be accomplished by Thursday, June 8, instant, therefore be it

*Resolved*, By the House of Representatives, the Senate concurring, that the present session of the Legislature be brought to final adjournment on Thursday, June 8, instant, at 5 o'clock in the afternoon.

*Be It Further Resolved*, That all reports, bills and joint resolutions, with the exceptions of such as have been referred to the next Legislature, be indefinitely postponed.

On a *viva voce* vote the concurrent resolution was adopted.

Mr. Saltmarsh of Concord offered the following resolution:

*Resolved*, That His Excellency the Governor be requested to return to the House for further consideration, Senate Bill No. 8, An act providing for the payment by wholesale permittees of certain fees for the sale of certain alcoholic beverages.

On a *viva voce* vote the resolution was adopted.

Mr. Saltmarsh of Concord offered the following resolution:

*Resolved*, That the rules be so far suspended so as to allow reconsideration of the vote whereby the House passed Senate Bill No. 8.

On a *viva voce* vote the resolution was adopted.

Mr. Saltmarsh of Concord offered the following resolution:

*Resolved*, That the House reconsider its vote whereby the House adopted the report of the Committee on Engrossed Bills.

On a *viva voce* vote the resolution was adopted.

Mr. Saltmarsh of Concord offered the following resolution:

*Resolved*, That the House reconsider its vote whereby the House adopted the report of the Committee of Conference on said Senate Bill No. 8.

On a *viva voce* vote the resolution was adopted.

Mr. Saltmarsh of Concord offered the following resolution:

*Resolved*, That the House refuse to adopt the report of the Committee of Conference on Senate Bill No. 8, and the Speaker appoint a new Committee of Conference.

On a *viva voce* vote the resolution was adopted.

### Resolution

Mr. Emerson of Hampstead offered the following resolution:

*Whereas*, the House has learned with sorrow of the passing of a former member, Adin S. Little of Hampstead,

*Therefore, Be It Resolved*, That the Speaker appoint a committee of five to draw up suitable resolutions.

On a *viva voce* vote the resolution was unanimously adopted by a rising vote.

The Speaker appointed as members of such committee, Messrs. Emerson of Hampstead, Hepworth of Derry, Palmer of Plaistow, Keay of Kingston and Adams of Hampton.

Mr. Callahan of Keene offered the following resolution:

*Whereas*, We have learned of the sorrow of John M. Duffy, representative from Keene, in the passing of his brother, Reverend Dominic S. Duffy, whom our Heavenly Father has called Home after so many faithful years spent in His service, therefore,

*Be It Resolved*, That we, the members of the House of Representatives, extend our heartfelt sympathy to



our fellow member in his bereavement, and be it further

*Resolved*, That the Clerk transmit a copy of these resolutions to Mr. Duffy.

FRANCIS CALLAHAN,  
HARRY C. LICHMAN,  
CLIFFORD H. MARTIN,  
JAMES H. BATCHELDOR,  
WILDER F. GATES,  
GEORGE P. KNOWLTON,  
SIDNEY S. FRISSELL,  
LAWRENCE ELLERY,  
WAKEFIELD DORT.

The resolution was unanimously adopted by a rising vote.

### Personal Privilege

Mr. Palmer of Plaistow rose to a point of personal privilege and stated through misunderstanding he was recorded as voting "yes" on the roll call on House Joint Resolution No. 32, and desired to be recorded as voting "no."

On motion of Mr. Fernald of Dover, business in order at 3 o'clock was made in order at the present time.

### Third Readings

On motion of Mr. Fernald of Dover the rules were suspended and the third readings of bills by their titles made in order.

House Bill No. 253, An act relating to clerk hire in the probate office of Strafford county.

House Bill No. 350, An act to amend and clarify the law relating to motor vehicles.

Severally read a third time and passed and sent to the Senate for concurrence.

Senate Joint Resolution No. 5, Joint resolution for securing and holding in New Hampshire the 1942 International Ski Federation World Championships.

Read a third time and passed and sent to the Secretary of State to be engrossed.

On motion, Mrs. Smith of Hebron at 2:40 o'clock the House adjourned.

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### WEDNESDAY, MAY 17, 1939.

The House met at 11:00 o'clock.

Prayer was offered by the Chaplain.

#### Leaves of Absence

Messrs. French of Lebanon and Letendre of Manchester were granted leave of absence for the day on account of important business.

Mr. Shedd of New Boston was granted leave of absence for Wednesday and Thursday on account of important business.

Mr. Nash of Concord was granted leave of absence for Wednesday and Thursday on account of absence from the city.

#### Committee Reports

Mrs. Batchelder of Hanover, for the Committee on Engrossed Bills, reported that the committee had examined and found correctly engrossed the following entitled bills and joint resolution:

House Bill No. 321, An act relative to unemployment compensation.

House Bill No. 369, An act to provide highway funds for construction, reconstruction and maintenance, and for the reimbursement of towns for hurricane-flood damage.

House Joint Resolution No. 12, Joint resolution to provide for additional facilities at the state sanatorium.

The report was accepted.

Mrs. Christiansen of Berlin, for the Committee on Transportation, to whom was referred House Bill No. 208, An act limiting the axle load of motor vehicles, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate, subject matter covered by other legislation.

The report was accepted, and the resolution of the committee adopted.

Mrs. Christiansen of Berlin, for the Committee on Transportation, to whom was referred House Bill No. 235, An act exempting from registration certain motor trucks engaged in the interstate transportation of furniture, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mr. Emerson of Milford, for the Committee on Public Improvements, to whom was referred House Joint Resolution No. 57, Joint resolution for the repair of certain bridges and roads in the town of Peterborough, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate, subject matter covered by House Bill No. 369.

The report was accepted, and the resolution of the committee adopted.

Mr. Emerson of Milford, for the Committee on Public Improvements, to whom was referred House Joint Resolution No. 53, Joint resolution relating to flood control in the town of Winchester, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate, subject matter partly covered by House Bill No. 369.

The report was accepted, and the resolution of the committee adopted.

Mr. Emerson of Milford, for the Committee on Public Improvements, to whom was referred House Joint Resolution, No. 56, Joint resolution for the dredging and straightening of the channels of the Contoocook and Nubanusit rivers in the town of Peterborough, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate, subject matter partly covered by the House Bill No. 369.

The report was accepted, and the resolution of the committee adopted.

Mr. Gage of Manchester, for the Committee on Labor, to whom was referred House Bill No. 25, An act prohibiting night work for women and minors, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mr. Batchelder of Northfield, for the Committee on Claims, to whom was referred House Joint Resolution No. 74, Joint resolution in favor of William Kaskonas, reported the same with the following amendment, and the recommendation that the joint resolution as amended ought to pass.

Amend said resolution by striking out the words and figures, "one thousand dollars (\$1,000)" in line one and inserting in place thereof the words and figures, two hundred and fifty dollars (\$250) so that said resolution shall read as follows:

That the sum of two hundred and fifty dollars (\$250) be and hereby is appropriated and allowed William Kaskonas of Dunbarton for injuries he received in November, 1937, while in the employ of the

state highway department. The sum hereby appropriated shall be a charge upon the highway funds.

The report was accepted, the amendment adopted, and the joint resolution referred to the Committee on Appropriations, under the rules.

Mr. Batchelder of Northfield, for the Committee on Claims, to whom was referred House Joint Resolution No. 61, Joint resolution in favor of Fred D. Parsons, reported the same with the following amendment, and the recommendation that the joint resolution as amended ought to pass.

Amend said resolution by striking out the words and figures, "one thousand one hundred dollars (\$1,100)" in line one and inserting in its place the words and figures, three hundred dollars (\$300) so that said resolution as amended shall read as follows:

That the sum of three hundred dollars (\$300) be and hereby is allowed Fred D. Parsons of Rye to reimburse him for damages suffered by him of standing timber, young trees and seedlings by a fire which originated on the adjoining property belonging to the State of New Hampshire. The governor is hereby authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

The report was accepted, the amendment adopted, and the joint resolution referred to the Committee on Appropriations, under the rules.

Mr. Batchelder of Northfield, for the Committee on Claims, to whom was referred House Joint Resolution No. 75, Joint resolution in favor of the town of Hooksett, reported the same with the following amendment, and the recommendation that the joint resolution as amended ought to pass.

Amend said resolution by striking out all after the resolving clause and inserting in place thereof the following:

That the sum of eight hundred eighty-one dollars and eighty-one cents (\$881.81) be and hereby is appropriated and allowed to reimburse the town of Hooksett for disbursements made on account of Alvin Heath who was injured April 28, 1938, while employed by the state in fighting a forest fire. That the sum of two thousand dollars (\$2,000) be allowed said Alvin Heath, to be paid monthly at the rate of forty dollars (\$40) per month. The governor is hereby authorized to draw his warrants for said sum out of any money in the treasury not otherwise appropriated.

The report was accepted, the amendment adopted, and the joint resolution referred to the Committee on Appropriations, under the rules.

Mr. St. Francois of Nashua, for the Committee on Education, to whom was referred Senate Joint Resolution No. 7, Joint resolution in appreciation of the work of the school safety patrols, reported the same with the recommendation that the joint resolution ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mr. Normandin of Laconia, for the Committee on Judiciary, to whom was referred House Bill No. 425, An act validating proceedings of the annual meeting of the Conway Village Fire District, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mr. Normandin of Laconia, for the Committee on Judiciary, to whom was referred House Bill No. 401, An act relating to temporary vacancies in the office of town treasurer and treasurer of school districts, reported the same with the recommendation that the bill ought to pass.



The report was accepted, and the bill ordered to a third reading.

Mr. Normandin of Laconia, for the Committee on Judiciary, to whom was referred Senate Bill No. 57, An act relative to the use of number plates on motor vehicles, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mr. Normandin of Laconia, for the Committee on Judiciary, to whom was referred House Bill No. 159, An act providing for the litigation of small claims, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend said bill by striking out section 7 and re-numbering the ensuing sections in their numerical sequence.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mr. Boynton of Hillsboro, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 426, An act authorizing the state of New Hampshire to take over the Warren-Woodstock road in the towns of Warren and Woodstock for the purpose of maintenance, with the recommendation that the bill be referred to the Committee on Public Improvements.

The report was accepted, the bill read a first and second time, laid upon the table to be printed, and referred to the Committee on Public Improvements.

Mr. Barnard of Manchester, for the Committee on Revision of the Statutes, to whom was referred House Bill No. 59, An act relating to the practice of optometry, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Barnard of Manchester, for the Committee on Revision of Statutes, to whom was referred House Bill No. 125, An act relating to the practice of optometry, reported the same with the following resolution:

*Resolved*, That it is expedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Gage of Manchester, for the Committee on Labor, to whom was referred House Bill No. 407, An act relative to hours of labor for laundry establishments, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend said bill by striking out section 1 and inserting in its place the following:

1. *Hours of Labor.* Amend chapter 176 of the Public Laws, as amended by chapter 36 of the laws of 1937, by inserting after section 17-a the following new section: 17-b. *Laundry Establishments.* Laundries may be granted special license by the labor commissioner excepting them from the operation of the provisions of sections 14 and 15 hereof for not over three months of the year but in no case shall the hours of labor exceed sixty hours in any one week. Before granting such license, a hearing shall be held by the labor commissioner and he shall be satisfied that such overtime is necessary. Copy of such license shall be posted where such females and minors are employed. In no case shall this section be applied in any way to the disadvantage of any regular employee.

The report was accepted, the amendment adopted.

Mr. Corson of Derry moved that the bill be indefinitely postponed.

The question being on the motion to indefinitely postpone.

(Discussion ensued)

Messrs. Corson, Grinnell and Hepworth of Derry spoke for the motion.

Messrs. Tozier of Exeter, Gage of Manchester and Emerson of Milford spoke against the motion.

Mr. Russell of Claremont moved the previous question.

The question being,

Shall the main question now be put?

On a *viva voce* vote the previous question was ordered.

The question being on the motion to indefinitely postpone.

On a *viva voce* vote the motion to indefinitely postpone did not prevail.

Mr. Corson of Derry called for a division.

A division being had 91 members voted in the affirmative and 212 members voted in the negative and the motion to indefinitely postpone did not prevail.

Mrs. Cooper of Nashua offered the following amendment.

Amend by inserting in the twelfth line after the word "week" the words, nor more than ten and one-quarter hours during any one day.

The question being on the amendment.

(Discussion ensued)

Mrs. Cooper of Nashua and Grinnell of Derry spoke for the amendment.

Mr. Hildebrand of Littleton spoke against the amendment.

On a *viva voce* vote the Chair was in doubt.

Mr. St Francois of Nashua called for a division.

A division being had 204 members voted in the affirmative and 78 members voted in the negative and the amendment was adopted.

The bill was ordered to a third reading.

Mr. Smart of Durham for the Committee on Revision of Statutes, to whom was referred House Bill No. 201, An act to protect borrowers, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

We, the undersigned, a minority of the Committee on Revision of Statutes, to whom was referred House Bill No. 201, An act to protect borrowers, and being unable to agree with the majority, reported the same with the recommendation that the bill ought to pass.

ROBERT E. BOWKER,  
GEORGE A. MYHAVER,  
RODOLPHE CORMIER,  
MAURICE S. NICHOLS,  
THOMAS W. FECTEAU,  
HERBERT J. BABCOCK,  
JAMES S. SHAW,  
ARTHUR F. STURTEVANT,  
FRANK F. HOUGH.

*A minority of the Committee.*

The reports were accepted.

Mr. Bowker of Littleton moved that the report of the minority be substituted for the report of the majority.

The question being on the motion to substitute.

(Discussion ensued)

Messrs. Bowker of Littleton, Sanderson of Pittsfield, Myhaver of Peterborough, Babcock of Claremont, and Sanderson of Pittsfield spoke for the motion.

(Mr. Barnard of Manchester in the Chair)

Messrs. Smart of Durham, Cannell of Lebanon, Lichman of Keene, Hamilton of Lisbon, Sherry of Dover, and Greene of Laconia, and Mrs. Batchelder of Dover, Greene of Laconia, and Wadleigh of Milford, and Mrs. Batchelder of Hanover, and Mrs. Banfield of Moultonboro spoke against the motion.

Mr. Chase of Manchester moved the previous question.

The question being,

Shall the main question now be put?

On a *viva voce* vote the previous question was ordered.

The question being on the motion to substitute the report of the minority "ought to pass" for that of the majority "inexpedient to legislate."

Mr. Myhaver of Peterborough called for a division.

A division being had 54 members voted in the affirmative, 255 members voted in the negative, and the motion to substitute the report of the minority for the report of the majority did not prevail.

The question being on the resolution reported by the committee that it is inexpedient to legislate.

On a *viva voce* vote the resolution of the committee was adopted.

#### Taken from the Table

On motion of Mrs. Cooper of Nashua House Bill No. 349, An act relative to the collection of legacy taxes upon certain contingent devises and bequests, was taken from the table.

The question being on the amendment sent down from the Honorable Senate.

On motion of Mrs. Cooper of Nashua the House concurred in the amendment sent down from the Honorable Senate.

The bill was then sent to the Secretary of State to be engrossed.

### Message from the Senate

A message from the Honorable Senate by its Clerk announced that the Senate had passed a bill with the following title, in the passage of which it asked the concurrence of the House of Representatives:

Senate Bill No. 26, An act relative to the safety and health of persons engaged in building and road construction projects.

### Senate Bill Read and Referred

Senate Bill No. 26, An act relative to the safety and health of persons engaged in building and road construction projects.

Read a first and second time and referred to the Committee on Revision of the Statutes.

### Resolution

Mr. Saltmarsh of Concord offered the following resolution:

*Resolved*, That the House rescind its vote whereby it recalled from His Excellency, The Governor, Senate Bill No. 8, An act providing for the payment by wholesale permittees of certain fees for the sale of certain alcoholic beverages.

The question being on the resolution offered by Mr. Saltmarsh.

Mr. Saltmarsh of Concord spoke for the resolution. On a *viva voce* vote the resolution was adopted.

On motion of Mr. Fernald of Dover business in order at 3 o'clock was made in order at the present time.

### Third Readings

On motion of Mr. Fernald of Dover the rules were suspended and the third readings of bills by their titles and joint resolution by its caption made in order.



House Bill No. 59, An act relating to the practice of optometry.

House Bill No. 159, An act providing for the litigation of small claims.

House Bill No. 401, An act relating to temporary vacancies in the office of town treasurer and treasurer of school districts.

House Bill No. 407, An act relative to hours of labor for laundry establishments.

House Bill No. 425, An act validating proceedings of the annual meeting of the Conway Village Fire District.

Severally read a third time and passed, and sent to the Senate for concurrence.

Senate Bill No. 57, An act relative to the use of number plates on motor vehicles.

Senate Joint Resolution No. 7, Joint resolution in appreciation of the work of the school safety patrols.

Severally read a third time and passed, and sent to the Secretary of State to be engrossed.

On motion of Mr. Chase of Manchester at 1:46 o'clock the House adjourned.

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THURSDAY, MAY 18, 1939.

The House met at 11:00 o'clock.

Prayer was offered by the Chaplain.

#### Leaves of Absence

Messrs. Pulsifer of Campton, and George of Concord, and Mrs. Griswold of Nashua were granted leave of absence for the day on account of important business.

On motion of Mr. Callahan of Keene.

*Resolved*, That when the House adjourns this morning it be to meet Saturday morning, at 10 o'clock, and that when it then adjourns, it adjourn to meet Tuesday morning at 11:00 o'clock.

### Committee Reports

Mrs. Batchelder of Hanover, for the Committee on Engrossed Bills, reported that the committee had examined and found correctly engrossed the following entitled bill:

Senate Bill No. 30, An act relative to the qualifications for applicants for examinations for the practice of medicine and the practice of chiropractic.

The report was accepted.

Mr. Emerson of Milford moved that the rules be suspended, and that Joint Resolutions Nos. 18, 27, 54, 42, 58, 60 and 34 be taken up together.

The question being on the motion of Mr. Emerson.

(Discussion ensued)

On a *viva voce* vote the motion prevailed.

Mr. Emerson of Milford, for the Committee on Public Improvements, to whom were referred the following entitled joint resolutions, reported the same with the following resolution:

*Resolved*, That they are inexpedient to legislate, subject matter covered by House Bill No. 369.

House Joint Resolution No. 18, Joint resolution for the construction and replacement of bridges in the town of Weare.

House Joint Resolution No. 27, Joint resolution providing for emergency repair of bridges and roads in the town of Wilmot.

House Joint Resolution No. 54, Joint resolution providing for repair of a road and bridge in the town of Sutton, damaged by the storms of September, 1938.

House Joint Resolution No. 42, Joint resolution providing for emergency repair of bridges and roads in the town of Andover.

House Joint Resolution No. 58, Joint resolution providing for the repair and reconstruction of two bridges in the town of Peterborough.

House Joint Resolution No. 60, Joint resolution for the construction of a bridge in Enfield.

House Joint Resolution No. 34, Joint resolution for the construction of bridges in the town of Deering.

The reports were accepted, and the resolution of the committee adopted.

Mr. Emerson of Milford, for the Committee on Public Improvements, to whom was referred House Joint Resolution No. 66, Joint resolution for the protection of the town of Bartlett against flood and river erosion, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate, subject matter partially covered by House Bill No. 369.

The report was accepted, and the resolution of the committee adopted.

Mr. Normandin of Laconia, for the Committee on Judiciary, to whom was referred Senate Bill No. 52, An act regulating the display of signs relating to prices of motor fuel, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mr. Normandin of Laconia, for the Committee on Judiciary, to whom was referred House Bill No. 410, An act relating to the surrender of town charters, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mr. Barnard of Manchester, for the Committee on Revision of the Statutes, to whom was referred House Bill No. 60, An act relating to railroad grade crossings, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Whitaker of Mason, for the Committee on Banks, to whom was referred House Bill No. 309, An act relating to investment of trust funds of towns, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Sanderson of Pittsfield, for the Committee on Appropriations, to whom was referred House Bill No. 117, An act relating to the diseases of domestic animals, reported the same with the following amendments, and the recommendation that the bill as amended ought to pass.

Amend section 5 of said bill by striking out the whole of said section and inserting in place thereof the following:

Amend section 57, chapter 187 of the Public Laws as amended by chapter 125, laws of 1935 by striking out the word "twenty" in line five of said section and inserting in place thereof the words "twenty-five"; further amend by striking out the words "one-half" in line six and inserting in place thereof the words, one third, so that said section as amended shall read as follows:

57. *Payment.* The state shall pay the owner, after filing such certificate or certificates as the commissioner may direct, one-third of the appraised value on all horses condemned and killed and for all bovine animals condemned and killed an amount not to exceed

twenty-five dollars for a grade animal and fifty dollars for a registered purebred animal providing that the amount received from salvage, from the federal government, and from the state shall not exceed the appraised value thereof.

Amend section 6 of said bill by striking out the whole of said section and inserting in place thereof the following:

6. Amend section 67, chapter 187 of the Public Laws, by adding after the word "tuberculosis" in the first line the words "or Bang's disease" and by striking out the words "test or both" in line eight and inserting in place thereof the words, or Bang's disease test or all three; further amend by adding after the letter "T" in the sixth line the words "or the letter B" so that said section as amended shall read as follows:

67. *Reactors.* Any bovine in which tuberculosis or Bang's disease is diagnosed by the commissioner or his agent on physical examination, or by means of the tuberculin or Bang's disease test or all three, which is not immediately slaughtered under the supervision of the commissioner or his agent, shall be marked by inserting in its left ear a metal tag upon which is stamped a number and the word reactor, and by branding the letter T or the letter B, not less than two or more than three inches high on the left jaw.

The report was accepted, the amendments adopted and the bill ordered to a third reading.

Mr. Sanderson of Pittsfield, for the Committee on Appropriations, to whom was referred House Joint Resolution No. 73, Joint resolution providing special emergency appropriations for forest fire protection, reported the same with the following amendment, and the recommendation that the joint resolution as amended ought to pass.

Amend said resolution by striking out all after the resolving clause and inserting in place thereof the following:

That the sum of one hundred thousand dollars (\$100,000) is hereby appropriated and made available for the period from the date of the passage hereof until June 30, 1941, said sum to be expended by the forestry and recreation department with the approval of the governor and council (1) fifty thousand dollars (\$50,000) for the state's portion of expenses of fighting forest and brush fires as provided by sections 23 and 26 of chapter 191 of the Public Laws, as amended by chapter 133, Laws of 1929, and (2) fifty thousand dollars (\$50,000) to provide additional administrative assistance, patrol by the state and in cooperation with the towns and other agencies, services of fire wardens on inspection and other preventive work, fire plans, maps and materials for educational programs, operation and maintenance of extra fire lookout stations and telephone lines, aid to towns in securing adequate tool supplies for fire fighting purposes, state power pumps and hose for use of groups of towns, trucks fully equipped for general emergency calls and such other materials, supplies, equipment and services as may be needed. The governor is hereby authorized to draw his warrants for said sum out of any money in the state treasury not otherwise appropriated.

The report was accepted, the amendments adopted and the bill ordered to a third reading.

Mr. Barnard of Manchester, for the Committee on Revision of the Statutes, to whom was referred House Bill No. 417, An act relative to exceptions to the motor vehicle financial responsibility act, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of said bill by inserting after the word "him" in line six the words, which is owned by



a municipal fire department, so that said section as amended shall read as follows:

1. *Motor Vehicle Financial Responsibility.* Amend chapter 161 of the laws of 1937 by inserting after section 26 the following new section: 26-a. *Municipal Fire Departments.* The provisions of this act shall not apply to a member, or voluntary fireman, of a municipal fire department when engaged in official duties relative to such department.

The report was accepted, the amendments adopted and the bill ordered to a third reading.

Mr. Barnard of Manchester, for the Committee on Revision of the Statutes, to whom was referred House Bill No. 386, An act relating to sirens on motor vehicles, reported the same with the following amendments, and the recommendation that the bill as amended ought to pass.

Amend section one of said bill by inserting after the word "officers" in line six the words, or volunteer members of fire departments, so that said section as amended shall read as follows:

1. *Use Prohibited.* Amend chapter 103 of the Public Laws by inserting after section 4-b, as inserted by section 2, chapter 194 of the laws of 1937, the following new section: 4-c. *Sirens.* It shall be unlawful for any motor vehicle to be operated on the ways of this state equipped with a siren. The provisions of this section shall not apply to such emergency vehicles as police, fire department and fire patrol vehicles nor motor vehicles registered to law enforcement officers, or volunteer member of fire departments, nor public nor private ambulances.

Amend said bill by inserting after section 2 the following new section:

3. *Violations.* Amend chapter 105 of the Public Laws by inserting after section 18-a, as inserted by chapter 34, Laws of 1937, the following new section:

19. *Penalty.* Except as otherwise provided for herein any person convicted of a violation of any provision of this chapter 103 or any rule or regulation made under authority hereof shall be fined not more than twenty-five dollars for the first offense, and not more than one hundred dollars for any subsequent offense committed during any calendar year.

Further amend said bill by renumbering section 3 to read section 4.

The report was accepted, the amendments adopted, and the bill ordered to a third reading.

Mr. Whitaker of Mason, for the Committee on Banks, to whom was referred House Bill No. 424, An act relating to banking, reported the same with the following amendments, and the recommendation that the bill as amended ought to pass.

Amend said bill by adding after section 2 the following section 2-a.

2-a. Amend chapter 53 of the Public Laws by adding thereto the following new section:

15. *City Treasurers.* City treasurers shall deposit all money belonging to the city in solvent banks in the state, except that wherever it shall prove advantageous to any city near the state boundary to deposit city funds in banks outside the state, the treasurer may deposit the same in said banks upon the approval of the state bank commissioner. The amount deposited in any bank shall not exceed sixty percent of its paid up capital and surplus.

Amend the amending clause of section 7 by striking out in line two the word, "three" and inserting in place thereof the word, four, so that said amending clause shall read as follows:

7. Amend chapter 261 of the Public Laws by adding thereto the following four sections:

Further amend section 7 by adding at the end thereof the following:

64. Under the next three preceding sections a trust company may take all actions with respect to its savings department and with like effect as though such savings department were a separately incorporated guaranty savings bank and the net assets of such savings department in excess of the amount due to depositors therein were special deposits of a guaranty savings bank owned by such trust company and such savings department shall become a separate corporation and shall be and operate as a mutual savings bank as provided by section 63 under such name as shall have been provided in the vote passed under section 61.

Amend section 8 by striking out the entire section and inserting in place thereof the following:

8. All acts and parts of acts inconsistent herewith are hereby repealed and this act shall take effect upon its passage.

The report was accepted.

The question being on the amendments.

Mr. Sherry of Dover moved that the bill with the amendments pending be laid upon the table to be printed in the Journal.

The question being on the motion of Mr. Sherry.

On a *viva voce* vote the motion prevailed.

Mr. Sanderson of Pittsfield, for the Committee on Appropriations, to whom was referred House Bill No. 39, An act relating to the salary of the deputy insurance commissioner, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Frissell of Keene, for the Special Committee consisting of the members from the city of Keene, to whom was referred House Bill No. 354, An act in amendment of the charter of the City of Keene, reported the same as follows: Delegation evenly divided: Ought to pass. Inexpedient to legislate.

The report was accepted.

Mr. Lichman of Keene moved that the bill ought to pass.

The question being on the motion of Mr. Lichman.

(Discussion ensued)

Messrs. Lichman, Batchelder, Ellery and Dort of Keene spoke for the motion.

Messrs. Callahan and Frissell of Keane spoke against the motion.

On a *viva voce* vote the Chair was in doubt.

Mr. Lichman of Keene called for a division.

A division being had 206 members voted in the affirmative, and 84 members voted in the negative, and the motion that the bill ought to pass prevailed.

The bill was ordered to a third reading.

### Message from the Senate

A message from the Honorable Senate, by its Clerk, announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bills and joint resolution, sent up from the House of Representatives:

House Bill No. 367, An act relating to Parole from the state prison.

House Bill No. 411, An act validating certain proceedings of the town meeting of the town of Lyndeborough.

House Bill No. 412, An act relative to the powers of the School District of Hampton.

House Joint Resolution No. 62, Joint resolution making appropriation for the State Prison Farm.

The message further announced that the Senate had passed a bill with the following title, in the passage of which it asked the concurrence of the House of Representatives:

Senate Bill No. 47, An act relating to the biennial referendum.

### Senate Bill Read and Referred

Senate Bill No. 47, An act relating to the biennial referendum.

Read a first and second time, and referred to the Committee on Liquor Laws.

### Resolution

Mr. Duncan of Jaffrey offered the following resolution:

*Whereas*, Tuesday, May 30, being Memorial Day and a legal holiday, it is desirable that members of this House participate in the observance, thereof, in their respective communities; and,

*Whereas*, It is desirable that the business of the Legislature be forwarded as rapidly as possible, therefore:

*Be It Resolved*, That action be taken providing that the House be not in session on Tuesday, May 30, but shall be in session on Wednesday, Thursday, and Friday, May 31, June 1, and June 2.

On a *viva voce* vote the resolution was adopted.

### Presentation

Mr. Duncan of Jaffrey, on behalf of the women members of the House, presented Mrs. Smith of Hebron a bouquet, in honor of her birthday.

On motion of Mr. Fernald of Dover, business in order at 3 o'clock was made in order at the present time.

### Third Readings

On motion of Mr. Fernald of Dover, the rules were suspended, and the third readings of bills by their titles and joint resolution, by its caption made in order.

House Bill No. 117, An act relating to the diseases of domestic animals.

House Bill No. 386, An act relating to sirens on motor vehicles.

House Bill No. 417, An act relative to exceptions to the motor vehicle financial responsibility act.

House Joint Resolution No. 73, Joint resolution providing special emergency appropriations for forest fire protection.

Severally read a third time and passed, and sent to the Senate for concurrence.

House Bill No. 354, An act in amendment of the charter of the city of Keene.

Read a third time.

The question being,

Shall the bill pass?

Mr. Callahan of Keene moved that the bill be indefinitely postponed.

The question being on the motion to indefinitely postpone.

(Discussion ensued)

Messrs. Martin of Keene, Duncan of Jaffrey, Frisell and Callahan of Keene spoke for the motion.

Messrs. Ellery, Dort and Batchelder of Keene and Emerson of Milford spoke against the motion.

Mr. Dort of Keene moved the previous question.

The question being,

Shall the main question now be put?



On a *viva voce* vote the previous question was ordered.

The question being on the motion to indefinitely postpone.

On a *viva voce* vote the negative prevailed.

Mr. Callahan of Keene called for division.

A division being had 110 members voted in the affirmative and 156 members voted in the negative, and less than two thirds of the members elected being present, and voting and less than two thirds of those voting having voted in either the affirmative or negative, no valid action was taken and the bill went into unfinished business.

On motion of Mr. Callahan of Keene, at 12:30 o'clock the House adjourned.

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SATURDAY, MAY 20, 1939.

The House met at 10:00 o'clock.

The following letter was read by the Clerk:

Saturday, May 20, 1939.

Mr. George H. Nash,  
Concord, N. H.

DEAR SIR:

I shall be unable to attend the session on Saturday morning. Will you kindly preside for me and oblige.

Yours respectfully,

ANSEL N. SANBORN,  
*Speaker.*

There being no quorum present at 10:01 o'clock the House adjourned.

TUESDAY, MAY 23, 1939.

The House met according to adjournment.

Prayer was offered by the Chaplain.

### In Convention

The Senate then came in and the two branches being in convention, His Excellency the Governor delivered the following address:

*Mr. Speaker and Members of the Honorable General Court:*

Reposing great confidence at all times in the collective wisdom and judgment of this general court, I have refrained from troubling you with special executive messages save on rare occasions where clearly I was bound before all the people to suggest to you ways and means, which I believed to be in their best interest, for solving certain special problems.

Of the several occasions on which I have addressed the joint convention from this rostrum, on none have I been more keenly conscious of the gravity of my remarks than I am today.

I have no wish to alarm you, but I have no other course open to me than to point out that we, in New Hampshire, have now arrived at a juncture where a halt must positively be made in the upward march of tax rates and, just as positively, steps must be taken to relieve the intolerable load which rests upon real property.

Lest anyone doubt the gravity of the situation as it is at this very hour, let me refresh your minds with the fact that there are many communities in New Hampshire which are struggling under the load of tax rates far in excess of \$4 per \$100.

What possible basis is there for anticipating substantial industrial development in future or the re-

turn of prosperous circumstances to the private lives of citizens when real property is saddled, as it is in Manchester, with a \$3.98 tax rate; or \$3.70 in Nashua; \$4.25 in Berlin; \$3.88 in Concord; \$3.95 in Laconia, and \$4.00 in Dover.

Or, how can any thoughtful person contemplate the load of taxes which property owners in most of our towns are bearing without wondering what is going to happen to them and to all of us.

A community like Barnstead, for instance, resourceful and enterprising as its citizens are and undoubtedly rich in natural assets as it is, cannot possibly stand a tax rate of \$4.85 indefinitely without thereby consuming its own capital.

Neither can Epping with a \$4.80 tax rate; Ossipee with \$4.31; New Boston with \$4.50; Lancaster, \$4.27; Stewartstown, \$4.25; Hudson, \$4.45; or Farmington with a rate of \$4.65.

Where is the sense or logic of spending the taxpayers' money on promotional efforts to attract new industries to New Hampshire if through endlessly mounting taxes, after getting them, we sap the financial strength they need to compete in the national markets.

And, where is the justice in encouraging home ownership and in fostering agriculture if government, through higher and higher taxes, makes investment in real property an unsatisfactory venture at best.

The only answer that can be made to those queries is that it is morally unfair; financially and politically unsound; and economically and socially dangerous to require real estate to produce 92 per cent of all the taxes assessed in this state. The sooner we all realize that and do something about it the better it will be for the state of New Hampshire.

Two years ago, in a study under the title, "The Tax Crisis in New Hampshire," prepared at my request, the State Tax Commission reported to the Legislature that taxes had by that time created a situation which was almost unbearable. "The point has now been reached," the Commission wrote, "where drastic remedies are necessary."

Today we have moved even closer to the crisis of which the Commission gave solemn warning but we have not yet seen fit to take the drastic steps which obviously are needed if that crisis is to be averted. I think I can truthfully say that I have done my part toward making the people conscious of the problem which exists and in helping them solve it.

In my budget message of 1937 and 1939 I insisted, in the strongest possible words, that expenditures by the state government be rigidly restrained. I presented to the last session of the Legislature a comprehensive tax program which, had it been adopted, would have corrected many of the injustices of the present system and undoubtedly would have started the state on the high road to recovery.

Since entering the Governor's office I have spoken frequently of the desirability of reducing and as soon as possible eliminating the direct state tax, the only levy by the state government which applies directly to real property and, during my first administration, the Legislature saw fit to reduce that tax by \$400,000, or 25 per cent, to \$1,200,000.

In the budget message which I delivered to this body last February, I proposed that the direct state tax be reduced by another \$400,000, or by one-third, to \$800,000 and more recently, encouraged by many thoughtful citizens and reassured by studies of the effect and the estimates of the probable yield from a tax on tobacco products, I have given my approval to

the present program which involves the elimination of the direct state tax altogether.

It was with a sense of great satisfaction that I recommended the taking of this step in the direction of practical tax relief. For many years the taxpayers have heard lip service rendered to the idea that real property was bearing an overlarge share of the costs of government. Here is an opportunity to accomplish something really beneficial.

On every side it has long been admitted that tax rates must come down but nothing has ever been done about it. On the contrary, rates have continued to go up until last year when the average rate for the state reached \$3.48, the peak level for all time.

Twenty years ago, Albert O. Brown, later governor, but at that time chairman of the State Tax Commission, expressed the opinion that it was unlikely that the average tax rate in New Hampshire would ever reach \$2.

But, by 1933, under the pressure of relief requirements and as a result of a certain disregard of strict financial limitations, the rate had climbed to \$2.74.

The fact that it is now \$3.48, or nearly one and three-quarters times the figure which Governor Brown thought would never be reached, is a truly ominous sign. It means that, even with the elimination of the direct state tax on real property by the enactment of this bill, local tax rates will actually increase in many communities where valuations have fallen, or appropriations have increased, or both.

Without having the figures completely available, it is already apparent that in the generality of communities appropriations this year were larger than those of last year. In the counties, too, expenditures generally were heavier than in the preceding year.



For another matter, valuations are shrinking. This is happening for a number of reasons, foremost among them being the tremendous damage to standing timber and the dislocation of the lumber market resulting from last year's windstorm and flood.

Long continued conditions of economic depression have caused real property temporarily to lose some of its attractiveness as an investment. Furthermore, the fact that large groups of property holders, particularly among home and farm owners, have little enthusiasm for undertaking to repair or otherwise improve their properties has a strong tendency to lower valuations.

Finally, property values are tending downward because people seem to feel that their lot is no better than it was a year ago—a state of lowered public morale which can hardly fail to affect valuations.

Figures taken from the reports of the State Tax Commission tell the story better than words can. They show that ten years ago the total valuation of property taxed locally was \$622,976,904 whereas, last year, the figure was \$553,390,506, or nearly \$70,000,000 less.

It is fair to say that if that huge shrinkage in values had not occurred, the taxpayers would not today be overburdened, even in the face of somewhat heavier local expenditures, and possibly the average tax rate would not now exceed \$3.00.

There is a whole world of significance in the fact that last year property valued at \$18,500,000 was sold for taxes in New Hampshire. The owners either considered them to be of too little value to make a special effort to hold them or else they were unable to find the money with which to pay.

Nearly four times as much property was thus bought for taxes by towns in 1938 as in 1929. Think of what an unhealthy economic condition those figures disclose!



Consider, also, that property taken for taxes means a still further loss in taxable values, for the towns cannot levy taxes on property which they hold nor, in most cases, can the towns derive any income from them.

Both major political parties in New Hampshire have time and time again recognized the absolute necessity for reducing taxes on real property.

The 1938 platform of the democratic party in New Hampshire contained this plank relating to taxes:

"Recognizing the disproportionate burden upon real estate, we recommend that all new revenue from any sources whatsoever be applied in reduction of the present real estate taxes."

The 1938 state platform which every Republican member of the House and Senate promised to support went farther than that in expressing an intention to give tax relief. It contained this formal pledge:

"Being aware of the heavy burden of taxes which rests upon the owner of real estate, we definitely commit ourselves to the theory that the levying of such taxes should be exclusively reserved to the towns and that, at the earliest practicable moment, the direct state tax be eliminated.

The Republican platform contains this further statement:

"We present this platform to the voters with the formal assurance of the party and of every one of the candidates on the ticket that these obligations will be respected with the same honesty and the same faithfulness as mark the fulfillment of other contractual engagements."

I assume that, by placing me in office, the people took me at my word when I told them I accepted, as my pledge, the platform pledge declaring for the elimination of the direct state tax. I am sensible of a

deep obligation to the people but is not fair also to assume that they expect of their senators and representatives in this general court the same accounting of faithful stewardship that I wish to be able to render them?

The administration proposal to eliminate the state tax and replace the \$1,200,000 in present revenues, thus lost, by \$1,000,000 which we have every reason to believe can be derived from a tax on tobacco products, and by a transfer of approximately \$200,000 from the special fund which, it is estimated, will be larger by that amount in each of the next two years on account of the state's increased share in the proceeds from racing, is the only feasible plan that has been proposed for the relief of real property owners.

The tobacco products tax was selected for this purpose as the most logical, the surest and the least burdensome of all other available levies.

I realize thoroughly, of course, that the plan as proposed is not a complete, scientific program of tax reform, such as was presented two years ago, and it has not been proposed to you as such. I do say, however, that it is a step in the right direction.

By our relinquishing state participation in taxes placed upon real property, local tax rates will be wholly the responsibility of the towns and counties. It will no longer be possible to exaggerate the effect of the direct state tax and blame the Legislature, as is sometimes done, for high tax rates.

A reduction in tax rates as provided under the terms of this bill is the surest means by which to restore the level of valuations. But beyond and even more important than that effect would be the purely psychological reaction of the people to this positive attempt to better their condition.

Frankly, I believe the effect would be tremendous and that it would operate for the benefit of the state

in many ways. It certainly would greatly change the picture and raise spirits generally if those engaged in promoting the industrial advantages of New Hampshire could point to tax rates tending downward or even held stationary.

Since the introduction of House Bill No. 398, the people of New Hampshire have witnessed one of those curious demonstrations, occasionally seen during legislative sessions, which are so deceiving to many and so disheartening to those who are endeavoring to serve the public fairly and sincerely.

The corridors of the State House have been the scenes of great activity on the part of a small army of professional lobbyists who, at a high price per word, try to persuade legislators and state officials to act against their own best judgment. I only wish that I could secure information as to the amount of money which those opposed to the bill have expended in their endeavors to kill it.

You have been subjected to the wiles and the annoyances of a highly paid lobby, representing some of the most profitable enterprises in the world; an industry which can afford to pay one of its corporation presidents a salary of \$325,000 annually, the highest compensation received by any company executive in the world—all of this great array of legal talent and money power ranged against the poor little home owner and the farmer in New Hampshire; fighting desperately lest the rich tobacco industry be obliged to accept a small part of the tax burden which these thousands of small property owners have been patiently waiting for someone to take off their shoulders.

Every possible means has been adopted for obstructing the passage of the bill. At first, it was claimed that its enactment would ruin the cigar manufacturing industry and the business of selling tobacco products at retail.

At the first hearing before the Ways and Means Committee the opposition marshalled groups of employees so that they might explain how adversely the proposed tax would affect their employers, despite the fact that actually the manufacturer would pass the entire tax along to the consumer.

On the other hand, if the plight of those who sell tobacco products at retail would be as serious as claimed, is it not strange that the opponents of the bill did not arrange to have present at the hearings some of the little storekeepers and drugstore proprietors from Vermont and Connecticut who have long been operating under cigarette tax laws to tell you how this tax "ruined" their businesses?

The opponents of this measure are giving no thought whatever to the problems of the owners of the more than one hundred thousand dwellings in the state; the owners of the eighteen or nineteen thousand farms; or the owners of the ten thousand or more store buildings, hotels, manufacturing plants, tourist camps, and the like.

The state of Rhode Island, within the space of two weeks, passed a tobacco products tax bill which imposes the same rate upon cigarettes as planned here but which places a slightly lower rate on cigar sales.

After having given the matter exhaustive study and long thought, the Tax Commissioner and the Legislature agreed that \$1.75 per capita was a reasonably conservative estimate of the probable income that would be derived.

In arriving at that figure, the Rhode Island authorities took notice of the results accomplished in nearby Connecticut; in Ohio; in New York City; and in other places where the circumstances of tobacco usage approximated those in Rhode Island.

Men who have studied this question in our own state stress the fact that the character of New Hamp-

shire's population and its economic activities are, in general, very similar to those of Rhode Island since these commonwealths are two of the three most highly industrialized states in the nation.

At the per capita rate of \$1.75, New Hampshire with an estimated population of 500,000, according to the United States Census Bureau, would raise \$875,000 from the tobacco tax as imposed under the terms of House Bill No. 398.

However, that is not the whole story for New Hampshire, as one of the great recreational states of the country, is estimated to have an annual transient population of between 1,750,000 and 2,000,000 people who, on the average, probably are heavier consumers of tobacco than are the people who reside here permanently.

It is fair to suppose that, out of these 2,000,000 transient guests of our state, at least 1,000,000, for an average, will be with us for three months out of the twelve. For consumer purposes, this gives New Hampshire the equivalent of a population of 250,000, in addition to the permanent population which the United States Census Bureau estimates at 500,000, or a total consumer population of 750,000.

Applying to that figure the Rhode Island per capita rate of \$1.75 indicates that the yield in New Hampshire from the tobacco products tax should be in excess of \$1,300,000. From this you will see that our estimate that receipts will amount to \$1,000,000 after deducting all administrative costs, is most conservative.

There has been some criticism of the financial plan proposed by the administration for meeting the needs of the state in a manner that would be for the best interest of the taxpayers. Some have even gone so



far as to question the accuracy of the figures that were presented.

The only comment I have to make relative to those criticisms is that in my own business and this is true, I know, of every man at the head of any large enterprise, I always look to the company treasurer and to the chief accountant when I want accurate information relative to corporation finances.

As Chief Executive of the State, I turn to the State Treasurer and the State Comptroller when I require a summary of the state's financial position or an opinion as to the feasibility of any proposed financial plan.

In my two and a half years in office I have learned that I can depend upon the figures and the estimates and the judgment of these men, and I shall continue to rely upon them with confidence, as you should.

They have assured me that the administration's plan for financing the state in the next two years is entirely practical and feasible and they have certified as to the accuracy of the figures which have been quoted by me.

Legislators and citizens generally have every reason to be completely satisfied with the manner in which the financial affairs of the state government are being administered. The most dependable evidence of the soundness of our methods is what investors think of our New Hampshire bond issues.

Within a few days, the state sold \$2,000,000 of highway 1936 flood bonds, representing the permanent financing of loans until now carried on short term notes. These bonds, averaging five and one-half years in maturities, bore a one and one-eighth per cent coupon and were sold at a premium of \$18,940.

That meant a yield to investors of 95/100ths of 1 per cent, nearly the lowest if not the very lowest in-



terest yield ever secured by any state in the union on its long term bonds.

This speaks volumes for the soundness of our state finances and is a sufficient answer to any one who criticises the program that has been followed.

By establishing a tax on tobacco products, as provided under this bill, we shall create a new tax, it is true, but not an additional tax for the state will give up one tax in return for the other. In other words, we shall be able to keep our pledge to the people not to add to their tax burden.

By enacting the tobacco tax bill we shall be able to go further and keep our promise to the people to reduce the taxes on real property.

Since the elimination of the direct state tax and its replacement by revenues from tobacco and other sources will make local tax rates throughout the state 22 cents less than they otherwise might be, this Legislature has an opportunity before it to confer a substantial benefit upon the majority of citizens in the state.

Think of what it would mean to a great city like Manchester to have its total tax levy reduced by nearly \$196,000; Concord by more than \$81,000; Nashua by \$74,000; Keene by nearly \$40,000; Portsmouth by \$43,000; Berlin by \$35,000; Dover by \$34,000; Rochester by \$23,000; Somersworth by more than \$10,000, and Laconia by nearly \$31,000.

Remember, too, that the state of Vermont has had a cigarette tax for some time and this year raised the rate; that Connecticut has had such a tax for four years with increasingly favorable returns; that Rhode Island and the state of New York have just established such taxes, and that the Legislature in Massachusetts has a cigarette tax bill under study in committee with the prospect of its enactment; that twenty states,

other than those I have mentioned, already have taxes on cigarettes or tobacco products; and that, in the opinion of good authorities, it is only a question of time before all states adopt this tax as a regular source of income.

It would be strange, indeed, if New Hampshire lagged behind in taking advantage of this new source of revenue which other states, one by one, are utilizing.

Elsewhere it is being used as an additional source of income needed to meet increased state expenditures. All we wish to use it for in New Hampshire is to relieve real property from a part of the burden that is crushing its owners.

The history of House Bill No. 398 differs but slightly from that of every new tax law that was introduced in past sessions.

We all know, as Thomas Jefferson once remarked, that "the purse of the people is the real seat of sensibility." In general, the people wish to see taxes reduced, or, at any rate, they do not want them to go higher.

It has been my experience and it has doubtless been that of every public officer having to do with the raising and the expenditures of funds that to most individuals almost any tax is fair just so long as it does not directly affect them.

As members of a state government, in duty bound to solve its many problems in terms of statewide consideration, we cannot permit our honest convictions as to what is best for the people as a whole, for the state as an economic unit, for the public benefit over the long range of years, to be warped by the narrow claims of special interests.

We have only to recall in memory how, in the times gone by, great interests often successfully opposed

the adoption of programs and policies that clearly were in the public interest; programs which if adopted would have enabled our state to make rapid progress, and would have benefited all of the people.

Today, however, we know the truth and we can only wish that our earlier actions had been based on the broader and sounder outlook which comes from regarding these problems from the standpoint of the public's best interest.

In many cases, the interests responsible for the defeat of good legislation offered in years that have passed have disappeared; others have declined in importance, the victims of economic change. But the damage was done and the people still suffer from the effects.

In the place of these older special interests, new and even more powerful ones have arisen, using the same old methods to accomplish their highly selfish ends at the expense of the public welfare.

Our legislative history undeniably proves that the influence of such interests on our law-making has invariably been pernicious and always costly for the state.

We have no reason to doubt, but on the contrary every reason to assume that, if the influences that are operating powerfully here today are successful in their efforts, history will repeat itself and that once again the people will be the losers.

For that reason, I urge this generau Court to rise above the level of these selfish contentions and to disregard them; to meditate upon the absolute need for adjusting the rates of taxation applying to real property.

You are at the fork in the road. One branch leads on to the right to greater prosperity and happiness;

the other to the left through a dreary "no man's land" of worry and discontent.

Reason; our sense of fairness; our appreciation of state problems; all of them tell us to follow the right fork by eliminating the direct state tax and thus helping, in the only substantial manner that I or anyone else knows of, to correct long-standing injustice which everyone knows exists in the field of real property taxation.

They call this tax a poor man's tax, but I wish to say to you, Mr. Speaker, that, although I am advocating this so-called "workingman's" tax, I yield to no man connected with this state government in my interest in, and fondness and admiration for, the workingman.

Workingmen have been my associates through all of my life. They have been my greatest helpers and my staunchest friends. Indeed, every drop of blood that flows in my veins is the blood of a workingman.

During all of this controversy not one of them has entered a protest. I wish to God that there were more citizens in New Hampshire like its workingmen. They do not shirk their responsibility to support the government. They are always to be found in the front line for unselfish service. They wish to play their part and they do not have to ask the assistance of highly-paid lobbyists in finding the path that is righteous.

I only hope, Mr. Speaker, that the lamp of justice will light the way of those who are called upon to pass on the merits of this bill and I hope they will let it guide them to their duty as, under God's direction, I have tried to do mine unselfishly for the interest of the state.

The Convention then rose.

### Leaves of Absence

Mr. Tilton of Ward 3, Laconia, was granted leave of absence for the day on account of important business.

Mr. Batchelder of Northfield was granted leave of absence for the day on account of attending a funeral.

Mr. Freeman of Concord was granted leave of absence for Tuesday and Wednesday on account of state business.

Mr. Durette of Manchester was granted leave of absence for the week on account of out of state business.

### Introduction

The Speaker introduced the following visitors to the House.

Hon. Albert E. Paine, retired superintendent of mails, London, England.

Hon. J. Bennett Pike and Hon. Oscar C. Robbins, members of the Maine Legislature.

### Committee Reports

Mrs. Batchelder of Hanover, for the Committee on Engrossed Bills, reported that the committee had examined and found correctly engrossed the following entitled bills and joint resolutions:

Senate Bill No. 57, An act relative to the use of number plates on motor vehicles.

House Bill No. 219, An act closing certain waters in the towns of Cambridge and Errol to fishing.

House Bill No. 374, An act relative to employees of the Fish and Game Department.

House Bill No. 411, An act validating certain proceedings of the town meeting of the Town of Lyndeborough.

Senate Joint Resolution No. 7, Joint resolution in appreciation of the work of school safety patrols.

House Joint Resolution No. 62, Joint resolution making appropriation for the state prison farm.

The report was accepted.

Mr. Duncan of Jaffrey, for the Committee on Ways and Means, to whom was referred House Bill No. 398, An act to eliminate the direct state tax on real property by means of a tax on tobacco products, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The undersigned, a minority of the Committee on Ways and Means, to whom was referred House Bill No. 398, An act to eliminate the direct state tax on real property by means of a tax on tobacco products, having considered the same and being unable to agree with the majority, reported the same with the recommendation that the bill ought to pass.

CHESTER E. MERROW,  
HARRY A. MERRILL,  
J. FRANK NEAL,  
ABBIE H. ROBERTSON,  
CHARLES R. THOMAS,  
HUGH M. GRAHAM,  
IRVING W. ROWELL,  
ERNEST E. CRAIG,

*A Minority of the Committee.*

The reports were accepted.

Mr. Merrow of Ossipee moved to substitute the report of the minority "ought to pass" for the report of the majority "inexpedient to legislate".

The question being on the motion to substitute.

(Discussion ensued)

Mr. Merrow of Ossipee spoke for the motion.

Mr. Duncan of Jaffrey spoke against the motion.

Mr. Duncan of Jaffrey moved that the bill and its accompanying reports be indefinitely postponed.



The question being on the motion of Mr. Duncan.

(Discussion ensued)

Messrs. Tarbox of Marlboro, Seavey of Rochester, Sullivan of Manchester, and Saltmarsh of Concord spoke for the motion.

Messrs. Emerson of Milford, Keay of Kingston, Hoyt of Newington, Etsler of Claremont, and Sanderson of Pittsfield spoke against the motion.

Mr. Elkins of Concord moved the previous question.

The question being,

Shall the main question now be put?

On a *viva voce* vote the previous question was ordered.

The question being on the motion to indefinitely postpone.

Mr. Merrow of Ossipee called for a division.

A division being had 161 members voted in the affirmative and 198 members voted in the negative and the motion to indefinitely postpone the bill and its accompanying reports did not prevail.

Mr. Duncan of Jaffrey demanded the yeas and nays and the roll was called with the following results:

#### Yeas, 169

ROCKINGHAM COUNTY: Stowe, Havican, Persson, Rand, Burbank, Corson, Hepworth, Thompson of Exeter, Tozier, Creighton, Labranche, Prescott, Reinhart, Palfrey, Tucker.

STRAFFORD COUNTY: Cronin, King, Ouellette, Garland, Lucas, Durnin, Plummer, Emerson of Rochester, Young of Rochester, Beaudoin, Potvin, Studley, Seavey, Nutter, Lagueux, Habel, Boucher, St. Laurent, Dubois.

BELKNAP COUNTY: Rollins, O'Shan, Tarlson, Guay, Goodwin of Tilton.

CARROLL COUNTY: Young of Tuftonboro.

MERRIMACK COUNTY: Guilbeault, Nichols, Woodbury of Bow, Trow, Coakley, Kemp, Baker, Elkins, Hancock, Conlon, Osborne of Concord, Saltmarsh, Maxham, Harrison, Carignan, Lemire, Dempsey, Burnham, DuDevoir, Lafond, Cheney, Boisvert of Pembroke, Dupont.

HILLSBOROUGH COUNTY: Pierce, Clark of Frances-town, Hambleton, Chase, Barry of Manchester, Ward 3, Dwyer, Talty, Frain, McGowan, O'Neil, Dulac, Healy, Lacroix, Mahoney, O'Brien, Connolly, Fox, Sullivan of Manchester, Benoit of Manchester, Ward 7, Gagnon of Manchester, Gaumont, Jean, Poirier, Turcotte, Benoit of Manchester, Ward 8, Bouthiette, Brousseau, Constant, Donnelly, Kane, Wedick, Driscoll, Brown of Manchester, Gilmartin, Carroll, Roukey, Aubin, Caron of Manchester, Ward 12, Letendre, Soucy, Gauthier, Ladouceur, Rousseau, Thibodeau, Whitaker, Carter, Duclos, Belanger, Trombley, Sullivan, Thomas F. of Nashua, Sullivan, Timothy J. of Nashua, Berube, Marquis, Moussette, Fournier, St. Francois, Shea of Nashua, Goyette, Lougee, Cormier, Hurbonovich, Senechal, Jones, Bass, Dugan.

CHESHIRE COUNTY: Moore, Clark of Harrisville, Duncan, Sawyer of Jaffrey, Batchelor, Callahan, Knowton of Keene, Frissell, Lichman, Rice, Lane, Relihan.

SULLIVAN COUNTY: Kempton, Davison.

GRAFTON COUNTY: Tyler, Noyes of Bethlehem, Hodge, Leonard, French, Hough, Howard, Hoyt of Lebanon, Legassie.

COOS COUNTY: Barden, Mason, Paine, Smith of Berlin, Ward 1, Montminy, Palmer of Berlin, Smith of Berlin, Ward 2, Bisson, Ramsey, Bixby, Gagnon of Berlin, Laforce, Willis, Hartford, Peabody, Marshall, Rowden, Noyes of Stewartstown.

## Nays, 205

ROCKINGHAM COUNTY: Goodrich, Grinnell, Avery of East Kingston, Fecteau, Bourn, Beede, Miller of Greenland, Emerson of Hampstead, Adams of Hampton, Keay, Nesmith, Smith of Newfields, Hoyt of Newington, Willey, Knowles, Rowell of Northwood, Palmer of Plaistow, Fransoso, Foote, Gray, Marston, Yeaton, Cogan, Burkhardt, Liberson, Quimby, Smith of Seabrook, Currier, Jewell of Stratham, Butterfield.

STRAFFORD COUNTY: Hayes of Dover, Sherry, Fernald of Dover, Brown of Dover, Smart, Blanchard, Hale, Pray, Greenfield, Berry.

BELKNAP COUNTY: Hier, Adams of Belmont, Lord, Price, Roucher, Rivers, Greene, Simpson of Laconia, Brown of Meredith, Neal, Morse.

CARROLL COUNTY: Simpson of Bartlett, Downs, Mudgett, Russell of Conway, Gale, Fernald of Jackson, Nickerson, Banfield, Merrow, Knox, Vittum, Carpenter, Jewell of Wolfeboro.

MERRIMACK COUNTY: MacPhee, Morrill, Sanborn of Chichester, Dunlap, Nash, Sturtevant, Tilton of Concord, Bunten, George, Hoyt of Concord, Collins of Danbury, Milburn, Maxfield, Nelson of Hopkinton, Swift, Perkins, Sanderson, Clark of Salisbury, Anderson, Cloues, Stuart.

HILLSBOROUGH COUNTY: Bills, Graham, Wiggin, Powers, Michie, Brown of Goffstown, Pattee, Tuttle, Boynton, Gay, Wilson, Smith of Hudson, Bergholtz, Daniels, Knowlton of Manchester, Barnard, Gage, Johnson, Kimball, Woodbury of Manchester, Ward 2, Shea of Manchester, Woodbury of Manchester, Ward 3, Duffley, Betley, Barry of Manchester, Ward 6, Booth, Gelinias, Boisvert of Manchester, Caron of Manchester, Ward 10, Head, Mullen, Duval, Emerson of Milford, Wadleigh, Erlando, Atherton, Cooper, Underhill, Woodbury of Nashua, Griswold, Goulet,

Grandmaison, Joyce, Wilcox, Shedd, Thompson of New Ipswich, Myhaver, Peaslee.

CHESHIRE COUNTY: Winslow, Thomas, Miller of Fitzwilliam, Hanson, Robertson, Martin, Dort, Gates, Ellery, Duffy, Tarbox, Phelps, Bullock, Perry, Wheeler, Smith of Troy, Ingham, Nelson of Winchester.

SULLIVAN COUNTY: Hutchins of Charlestown, Converse of Claremont, Etsler, Holt, Howe, Hutchins of Claremont, Officer, Putnam, Russell of Claremont, Witherill, Barton, Hastings, Hall, Donovan, Maley, Rowell of Newport, Whitney, Osborne of Sunapee, Callum.

GRAFTON COUNTY: Bailey of Bath, Pulsifer, Campbell, Ashley, Walbridge, Batchelder of Hanover, Tuxbury, Craig, Dean, Strobridge, Marden, Cannell, Dow, Collins of Lisbon, Hamilton, Bowker, Hildebrand, Whitcomb, Santy, Bailey of Lyme, Lufkin, Taylor, Dreghorn.

COOS COUNTY: Trottier, Christiansen, Congdon, Kelsea, Jackson, Emerson of Dalton, Stiles, Keough, Boothman, Phelan, Hinman, McIntyre.

### Pairs

Mr. Hayes of Farmington voting Yes; paired with Mr. Sawyer of Woodstock voting No.

Mr. Normandin of Laconia voting Yes; paired with Mr. Babcock of Claremont voting No.

Mr. Smith of New Hampton voting Yes; paired with Mr. Tilton of Ward 3, Laconia, voting No.

Mr. Goodwin of Hudson voting Yes; paired with Mr. Yeaton of Epsom voting No.

Mr. Hinchey of Berlin voting Yes; paired with Mr. Pennell of Exeter voting No, and the motion to indefinitely postpone the bill and its accompanying reports did not prevail.

### Reconsideration

Mr. Merrow of Ossipee moved that on today or some subsequent day he would move to reconsider the vote whereby the House refused to adopt the motion to indefinitely postponed the bill and accompanying reports.

Mr. Etsler of Claremont moved that we reconsider at the present time.

On a *viva voce* vote the motion to reconsider did not prevail.

The question being on the motion to substitute the report of the minority "ought to pass", for the report of the majority "inexpedient to legislate".

On a *viva voce* vote the motion prevailed and the bill was ordered to a third reading.

Mr. Merrow of Ossipee moved that the rules be suspended and that the bill be made in order for its third reading, by its title, and final passage at the present time.

The question being on the motion of Mr. Merrow.

(Discussion ensued)

Mr. Chase of Manchester spoke against the motion.

Mr. Fernald of Dover moved the previous question.

The question being,

Shall the main question now be put?

On a *viva voce* vote the previous question was ordered.

The question being on the motion of Mr. Merrow of Ossipee.

On a *viva voce* vote the affirmative appeared to prevail.

Mr. O'Shan of Laconia called for a division.

A division being had 205 members voted in the affirmative and 120 members voted in the negative, and less than two thirds of the members elected being present, and voting and less than two thirds of

those voting having voted in either the affirmative or negative, and the motion that the rules be suspended and the bill be made in order for a third reading by its title and final passage at the present time did not prevail.

Mr. Sanderson of Pittsfield, for the Committee on Appropriations, to whom was referred House Bill No. 279, (In New Draft), An act fixing the amount of old age assistance grants, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

Mr. Cormier of Nashua moved that the words "ought to pass," be substituted for the words "inexpedient to legislate."

The question being on the motion to substitute.

(Discussion ensued)

Messrs. Cormier of Nashua, Sherry of Dover, and Powers of Brookline spoke for the motion.

Messrs. Baker of Concord, Osborne of Sunapee, and Hamilton of Lisbon spoke against the motion.

Mr. Elkins of Concord moved the previous question.

The question being,

Shall the main question now be put?

On a *viva voce* vote the previous question was ordered.

The question being on the motion to substitute the words "ought to pass" for the words "inexpedient to legislate."

On a *viva voce* vote the motion did not prevail.

The question being on the resolution reported by the committee that it is inexpedient to legislate.

On a *viva voce* vote the resolution of the committee was adopted.

Mr. Noyes of Bethlehem, for the Committee on Insurance, to whom was referred Senate Bill No. 1, An



act authorizing joint control by sureties, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Noyes of Bethlehem, for the Committee on Insurance, to whom was referred House Bill No. 276, An act regulating automobile finance business, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Gage of Manchester, for the Committee on Labor, to whom was referred House Bill No. 11, An act relative to unemployment compensation, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate, subject matter covered by House Bill No. 321.

The report was accepted and the resolution of the committee adopted.

Mr. Gage of Manchester, for the Committee on Labor, to whom was referred House Bill No. 143, An act relating to benefit eligibility conditions under the unemployment compensation law, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate, subject matter covered by House Bill No. 321.

The report was accepted and the resolution of the committee adopted.

Mr. Gage of Manchester, for the Committee on Labor, to whom was referred House Bill No. 271, An act to establish an apprenticeship council within the Bureau of Labor; to define the powers and duties of said council, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill referred to the Committee on Appropriations under the rules.

Mr. St. Francois of Nashua, for the Committee on Military Affairs, to whom was referred Senate Joint Resolution No. 3, Joint resolution concerning a National Patriotic Revival Plan, reported the same with the recommendation that the joint resolution ought to pass.

The report was accepted, and the joint resolution ordered to a third reading.

Mr. Normandin of Laconia, for the Committee on Judiciary, to whom was referred House Bill No. 300, An act to make uniform the law with reference to trust receipts and pledges of personal property unaccompanied by possession in the pledgee, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Dreghorn of Warren, for the Committee on Normal Schools, to whom was referred Senate Bill No. 46, An act changing the names of Keene and Plymouth Normal Schools, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Pulsifer of Campton, for the Committee on Agriculture, to whom was referred Senate Bill No. 37, An act relative to minimum fee for agricultural purposes only, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend said bill by striking out the title and inserting in its place the following:

An act relative to the registration fees for motor vehicle tractors and tractors used for agricultural purposes only.

Further amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *Agricultural Vehicles.* Amend paragraph III of section 1, chapter 102, Public Laws, as amended by chapter 94, laws of 1927, chapter 45, laws of 1935 and chapter 48, laws of 1939, by striking out the same and inserting in place thereof the following: III. For each motor vehicle or tractor, including trailers and semi-trailers equipped with pneumatic tires, except motor cycles and motor cycle sidecars, and except as provided in paragraph III-a, the following rates based on the gross weight of the vehicle and load; All vehicles and load not exceeding four thousand pounds thirty-five cents per hundred pounds; exceeding four thousand pounds and not exceeding six thousand pounds, forty-five cents per hundred pounds; exceeding six thousand pounds and not exceeding eight thousand pounds, fifty cents per hundred pounds; exceeding eight thousand pounds, sixty cents per hundred pounds. For all vehicles equipped with hard rubber tires the sum of twenty cents per hundred pounds shall be added to the above rates. For all vehicles equipped with iron, steel or other hard tires the sum of forty cents per hundred pounds shall be added to the above rates; provided that the minimum fee as provided herein shall be ten dollars for passenger vehicles and fifteen dollars for trucks. Well drilling machines on motor vehicle truck chassis and truck shovels on motor vehicle truck chassis shall pay one third of the above rates. Cement mixers, saw rigs and air compressors towed by motor vehicles shall pay one tenth of the above rates except when towed exclusively within the limits of a single city or town, in which case no fees for registration shall be collected.

2. *Tractors, Trucks and Commercial Vehicles Used for Agricultural Purposes Only.* Amend section 1 of chapter 102 of the Public Laws, by inserting after paragraph III, as hereinbefore amended the following new paragraph: III-a. For each tractor used for agricultural purposes only, each vehicle of the tractor type used for agricultural purposes only and used to draw another vehicle in such a way that a part of the load is carried on such towing vehicle, each tractor used for power purposes only that does not haul loads on the public highways, except as hereinbefore provided for tractor type vehicles, each tractor or truck used only on snow and each snowmobile, two dollars. Each commercial vehicle or truck used for agricultural purposes only and used on the public highways within a radius of five miles from the main entrance of the farm upon which said vehicle is operated, two dollars, provided that said vehicle under such limited registration shall not be used for the purpose of transporting produce or goods for sale or for hire.

3. *Takes Effect.* This act shall take effect upon its passage.

The report was accepted.

The question being on the amendment.

Mr. Sherry of Dover moved that the bill and the accompanying amendment be laid upon the table to be printed in the Journal.

Mr. Sherry of Dover spoke for the motion.

Mr. Pulsifer of Campton spoke against the motion.

On a *viva voce* vote the motion to lay upon the table to be printed in the Journal was not adopted.

The reading of the amendment having commenced on motion of Mr. Chase further reading of the amendment was dispensed with.

On a *viva voce* vote the amendment was adopted and the bill ordered to a third reading.

### Message from the Senate

A message from the Honorable Senate by its Clerk announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bills sent up from the House of Representatives:

House Bill No. 418, An act relating to the tenure of office of the Adjutant General.

House Bill No. 419, An act validating the proceedings of the recessed town meeting in the town of Milford.

House Bill No. 421, An act granting authority to sell land in Londonderry by the Governor and Council.

The message also announced that the Senate had adopted the following concurrent resolution, in the adoption of which it asked the concurrence of the House of Representatives:

Concurrent Resolution Relating to the Granite Industry of the State of New Hampshire.

*Whereas*, The granite industry in the State of New Hampshire exploits one of the few natural resources of the State and contributes to the support and welfare of a substantial number of citizens of the State, and

*Whereas*, Conditions of labor in certain granite centers located outside of the State of New Hampshire are distinctly lower and less satisfactory than those prevailing in this state, and

*Whereas*, Certain granite centers outside of the state have and are making unfair competitive use of price advantages arising from depressed working conditions therein,

*Now, Therefore, Be it Resolved, by the Senate and House of Representatives in General Court convened:*

1. That it is the sense of this Legislature that the use of New Hampshire granite in construction work

and otherwise should be encouraged and promoted in every reasonable way.

2. That wherever possible the use of granite cut and quarried under as fair and equitable labor conditions as those generally prevailing in the industry throughout this state should be required wherever granite is used in the course of public building within this state.

3. That the imposition of artificial restrictions on and discriminations against granite quarried or cut within the State of New Hampshire by political groups or other organizations outside the state is to be condemned and is contrary to sound policy and the principles of fair trade.

Read a first and second time and referred to the Committee on Labor.

### Unfinished Business

Mr. Callahan of Keene called for unfinished business.

It being,

House Bill No. 354, An act in amendment of the charter of the city of Keene.

The question being,

Shall the bill be indefinitely postponed?

Mr. Dort of Keene moved that the bill be laid upon the table and made a special order for Thursday, May 25, at 11:01 o'clock.

The question being on the motion of Mr. Dort.

(Discussion ensued)

Mr. Callahan of Keene spoke against the motion.

On a *viva voce* vote the motion prevailed.

Mr. Callahan of Keene demanded the yeas and nays but subsequently withdrew demand.



### Resolution

Mr. Emerson of Hampsted offered the following resolution.

*Whereas*, we deeply feel the loss of our friend, Adin S. Little of Hampstead, former Senator and Representative, therefore

*Be it Resolved*, That we, the members of the New Hampshire House of Representatives, attest our appreciation of his loyal citizenship; his record of devoted and faithful public service during past sessions of the New Hampshire General Court, and be it further

*Resolved*, That this sentiment be printed in our Journal, and that a copy be sent to the family with the assurance of our sincere sympathy with them in their bereavement.

FRANK W. EMERSON,  
OLIVER H. HEPWORTH,  
JOHN A. PALMER,  
CHARLES FRANCIS ADAMS,  
WARREN S. KEAY.

The resolution was unanimously adopted by a rising vote.

The House adjourned at 3:20 o'clock from the morning session.

The House was immediately called to order in afternoon session.

### Third Readings

On motion of Mr. Fernald of Dover the rules were suspended and the third readings of bills by their titles and joint resolution by its caption made in order.

House Bill No. 300, An act to make uniform the law with reference to trust receipts and pledges of personal property unaccompanied by possession in the pledgee.

Read a third time and passed and sent to the Senate for concurrence.

Senate Bill No. 46, An act changing the names of Keene and Plymouth Normal Schools.

Senate Joint Resolution No. 3, Joint resolution concerning a national patriotic revival plan.

Severally read a third time and passed and sent to the Secretary of State to be engrossed.

Senate Bill No. 37, An act relative to the registration fees for motor vehicle tractors and tractors used for agricultural purposes only.

Read a third time and passed and sent to the Senate for concurrence in the amendment.

House Bill No. 398, An act to eliminate the direct state tax on real property by means of a tax on tobacco products.

Read a third time.

The question being,

Shall the bill pass?

Mr. Duncan of Jaffery offered the following resolution.

*Resolved*, That the Speaker of the House be and hereby is directed to obtain from Justices of the Supreme Court their opinion on the following question:

Would any constitutional provision be violated by imposing a tax on tobacco products for human use as provided in House Bill No. 398, and

*Be it Further Resolved*, That the Speaker of the House be and hereby is directed to furnish a copy of the foregoing resolution, with a copy of the bill to each of the Justices.

The question being on the resolution.

(Discussion ensued)

Mr. Duncan of Jaffery spoke for the resolution.

Messrs. Etsler of Claremont, and Emerson of Milford spoke against the resolution.

Mr. Fernald of Dover moved the previous question. The question being,

Shall the main question now be put?

On a *viva voce* vote the previous question was ordered.

The question being on the resolution offered by Mr. Duncan of Jaffery.

On a *viva voce* vote the negative prevailed.

Mr. Duncan of Jaffery called for a division.

Mr. Caron of Ward 12, Manchester demanded the yeas and nays and the roll was called with the following result:

#### Yeas, 166

ROCKINGHAM COUNTY: Stowe, Havican, Persson, Rand, Burbank, Corson, Grinnell, Hepworth, Thompson of Exeter, Tozier, Miller of Greenland, Creighton, Labranche, Prescott, Reinhart, Palfrey, Tucker.

STRAFFORD COUNTY: Sherry, Cronin, King, Ouellette, Garland, Lucas, Durnin, Conrad, Young of Rochester, Beaudoin, Potvin, Studley, Seavey, Nutter, Lagueux, Habel, Boucher, St. Laurent, Dubois.

BELKNAP COUNTY: Rollins, Tarlson, Guay, Goodwin of Tilton.

CARROLL COUNTY: Young of Tuftonboro.

MERRIMACK COUNTY: Guilbeault, Woodbury of Bow, Trow, Morrill, Coakley, Kemp, Elkins, Hancock, Conlon, Osborne of Concord, Saltmarsh, Maxham, Harrison, Collins of Danbury, Carignan, Lemire, Dempsey, Burnham, DuDevoir, Lafond, Cheney, Boisvert of Pembroke, Dupont, Clark of Salisbury.

HILLSBOROUGH COUNTY: Clark of Francestown, Hambleton, Chase, Barry of Manchester, Ward 3, Dwyer, Talty, O'Neil, Dulac, Healy, Lacroix, Mahoney,

O'Brien, Booth, Fox, Sullivan of Manchester, Benoit of Manchester, Ward 7, Gagnon of Manchester, Jean, Poirier, Benoit of Manchester, Ward 8, Bouthiette, Brousseau, Constant, Donnelly, Kane, Wedick, Driscoll, Gilmartin, Carroll, Roukey, Aubin, Caron of Manchester, Ward 12, Letendre, Soucy, Ladouceur, Rousseau, Thibodeau, Carter, Belanger, Goulet, Trombley, Sullivan, Thomas F. of Nashua, Sullivan, Timothy J. of Nashua, Berube, Marquis, Moussette, Fournier, St. Francois, Goyette, Cormier, Hurbonovich, Senechal, Jones, Bass, Dugan.

CHESHIRE COUNTY: Moore, Clark of Harrisville, Duncan, Sawyer of Jaffrey, Batchelor, Callahan, Knowlton of Keene, Frissell, Lichman, Tarbox, Phelps, Bullock, Lane, Relihan.

SULLIVAN COUNTY: Kempton, Davison.

GRAFTON COUNTY: Tyler, Noyes of Bethlehem, Coolidge, Hodge, Leonard, Dow, French, Hough, Howard, Hoyt of Lebanon, Legassie.

COOS COUNTY: Barden, Hinchey, Mason, Paine, Smith of Berlin, Ward 1, Montminy, Palmer of Berlin, Smith of Berlin, Ward 2, Bisson, Christiansen, Ramsey, Bixby, Gagnon of Berlin, Laforce, Willis, Peabody, Marshall, Rowden, Noyes of Stewartstown.

### Nays, 208

ROCKINGHAM COUNTY: Goodrich, Avery of East Kingston, Fecteau, Bourn, Beede, Emerson of Hampstead, Adams of Hampton, Keay, Nesmith, Smith of Newfields, Hoyt of Newington, Willey, Knowles, Rowell of Northwood, Palmer of Plaistow, Fransoso, Foote, Gray, Marston, Yeaton, Cogan, Burkhardt, Liberson, Quimby, Smith of Seabrook, Currier, Jewell of Stratham, Butterfield.

STRAFFORD COUNTY: Hayes of Dover, Loughlin, Fernald of Dover, Brown of Dover, Pilgrim, Smart,

Blanchard, Hale, Pray, Emerson of Rochester, Greenfield, Berry.

BELKNAP COUNTY: Hier, Adams of Belmont, Lord, Price, Roucher, Rivers, Greene, Simpson of Laconia, Brown of Meredith, Neal, Morse.

CARROLL COUNTY: Simpson of Bartlett, Downs, Mudgett, Russell of Conway, Gale, Fernald of Jackson, Nickerson, Banfield, Merrow, Knox, Vittum, Carpenter, Jewell of Wolfeboro.

MERRIMACK COUNTY: MacPhee, Sanborn of Chichester, Dunlap, Baker, Sturtevant, Tilton of Concord, Bunten, George, Hoyt of Concord, Milburn, Maxfield, Shaw, Nelson of Hopkinton, Swift, Perkins, Sander-son, Anderson, Cloues, Stuart.

HILLSBOROUGH COUNTY: Bills, Graham, Wiggin, Powers, Michie, Brown of Goffstown, Pattee, Tuttle, Boynton, Gay, Wilson, Smith of Hudson, Bergholtz, Daniels, Knowlton of Manchester, Barnard, Gage, Johnson, Kimball, Woodbury of Manchester, Ward 2, Shea of Manchester, Woodbury of Manchester, Ward 3, Duffley, Betley, Barry of Manchester, Ward 6, Connolly, Gaumont, Turcotte, Gelinas, Boisvert of Manchester, Plante, Brown of Manchester, Caron of Manchester, Ward 10, Head, Mullen, Duval, Whitaker, Emerson of Milford, Wadleigh, Erlando, Atherton, Cooper, Underhill, Woodbury of Nashua, Duclos, Griswold, Shea of Nashua, Longee, Grandmaison, Wilcox, Shedd, Thompson of New Ipswich, Myhaver, Peaslee.

CHESHIRE COUNTY: Winslow, Thomas, Miller of Fitzwilliam, Hanson, Robertson, Martin, Dort, Gates, Ellery, Duffy, Rice, Perry, Wheeler, Smith of Troy, Ingham, Nelson of Winchester.

SULLIVAN COUNTY: Hutchins of Charlestown, Babcock, Converse of Claremont, Etsler, Holt, Howe, Hutchins of Claremont, Officer, Putnam, Russell of

Claremont, Witherill, Barton, Hastings, Hall, Donovan, Maley, Rowell of Newport, Whitney, Osborne of Sunapee, Callum.

GRAFTON COUNTY: Bailey of Bath, Pulsifer, Campbell, Ashley, Walbridge, Batchelder of Hanover, Tuxbury, Craig, Dean, Strobridge, Marden, Cannell, Collins of Lisbon, Hamilton, Bowker, Hildebrand, Whitcomb, Santy, Bailey of Lyme, Lufkin, Taylor, Draghorn.

COOS COUNTY: Trottier, Kelsea, Jackson, Emerson of Dalton, Stiles, Keough, Crawford, Cryan, Hartford, Boothman, Phelan, Hinman, McIntyre.

The resolution offered by Mr. Duncan of Jaffrey was not adopted.

The question being,  
Shall the bill pass?

On a *viva voce* vote the bill passed, and was sent to the Senate for concurrence.

On motion of Mr. Hutchins of Charlestown at 4:07 o'clock the House adjourned.

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### WEDNESDAY, MAY 24, 1939.

The House met at 11:00 o'clock.

Prayer was offered by the Chaplain.

#### Leaves of Absence

Mr. Bunten of Concord was granted leave of absence for today on account of business.

Messrs. Ballou of Laconia, Jackson of Columbia, Hoyt of Concord, and Boisvert of Pembroke were granted leave of absence for the remainder of the week on account of important business.

Messrs. Swift of New London, Hastings of Grantham, and Ashley of Dorchester were granted leave of



absence for Thursday on account of important business.

### Committee Reports

Mr. Sawyer of Woodstock, for the Committee on Engrossed Bills, reported that the committee had examined and found correctly engrossed the following entitled bill and joint resolution:

House Bill No. 421, An act granting authority to sell land in Londonderry by the governor and council.

House Joint Resolution No. 23, Joint resolution relative to the repair of the John Stark house in Manchester.

The report was accepted.

On motion of Mr. George of Concord, the rules were suspended to allow for the presentation of two committee reports, which had not previously been advertised in the Journal.

Mr. Normandin of Laconia, for the Committee on Judiciary, to whom was referred House Bill No. 226, An act establishing a court of claims, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mr. Normandin of Laconia, for the Committee on Judiciary, to whom was referred House Bill No. 399, An act providing for a recess commission for the study of retirement systems for state and municipal employees, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

On motion of Mr. Carpenter of Wolfeboro, the rules were suspended to allow for the presentation of a com-

mittee report which had not previously been advertised in the Journal.

Mr. Carpenter of Wolfeboro, for the Committee on Fish and Game, to whom was referred House Bill No. 193, An act relative to taking fish, reported the same with the following amendments, and the recommendation that the bill as amended ought to pass.

Amend section 1 of said bill as follows:

Amend the first paragraph of said section by striking out the same and inserting in place thereof the following:

1. *New Chapter.* Amend chapter 201 of the Public Laws, as inserted by section 5, chapter 124, Laws of 1935, as amended by chapters 2, 56, 114, and 168, Laws of 1937, section 5, chapter 96, Laws of 1937, sections 18 and 18-a, chapter 188, Laws of 1937, and chapters 7, 57, 82, 83, 115, 126, and 127, Laws of 1939, by striking out said chapter and inserting in place thereof the following new chapter:

Amend section 1 of the new chapter in said section by striking out the same and inserting in place thereof the following:

1. *General Provisions.* Brook trout may be taken and possessed from May first to September first, and during the month of September by the use of artificial flies only, in Coos, Grafton and Carroll counties. Brook trout may be taken and possessed from May first to August first, and during the month of August by the use of artificial flies only, in all of the other counties in the state. Of brook trout taken under the provisions of this section no person may take more than twenty in number nor more than five pounds in weight when taken, in one day, provided so long as he has taken less than five pounds he shall be entitled to one additional fish. During the period from April

fifteenth to May first, 1939, and for the like period, 1940, brook trout may be taken and possessed as permitted in this section in addition to the regular season therefor. The provisions of this section shall not apply in waters where special provisions are applicable.

Amend paragraph I, section 3 of the new chapter of said bill by striking out the same and inserting in place thereof the following:

I. Back lake in Pittsburg, Ferrin pond in Weare, Gustin pond in Marlow, Halls ponds in Sandwich, Ledge pond in Madison, Little Diamond pond in Stewartstown, Lily pond in Gilford.

Amend paragraph II of said section 3 by striking out the same and inserting in place thereof the following:

II. Long pond in Benton, Lucas pond in Northwood, Melvin river above the New Road bridge, so called, in Tuftonboro, Mount William pond in Weare, Nippo pond in Barrington, Mirror lake in Whitefield.

Amend paragraph III of said section 3 by striking out the same and inserting in place thereof the following:

III. Pine river in Effingham, Wakefield and Ossipee, Connor pond in Ossipee, Pleasant pond in Deerfield, Poverty pond in Hill, Robertwood lake in Campton, Rocky Bound pond in Croydon, Round pond in Pittsburg and Trio ponds in Odell.

Amend section 4 of the new chapter of said bill by striking out the same and inserting in place thereof the following:

4. *Bait and Fly Fishing.* Brook trout not less than seven inches in length may be taken by the use either of bait or artificial flies from April fifteenth, or as

soon thereafter as the ice goes out, to September first and by the use of artificial flies only during the month of September from Partridge lake in Littleton.

Amend paragraph I of section 5 of said new chapter by striking out the same and inserting in place thereof the following:

I. Armington lake in Piermont, Beaver pond in Woodstock, Clarksville pond in Clarksville, East Inlet and tributaries to Second Connecticut lake in Pittsburg, Coon Brook bog in Pittsburg.

Amend said section 5 by inserting at the end the following new paragraph:

IX. From June first to October first in Connecticut river from the First Connecticut lake dam to the covered bridge at the Archie Heath place, so called, and in Perry stream from the Happy Corner bridge, so called, to the Connecticut river, all in Pittsburg.

Amend section 6 of said new chapter by striking out the same and inserting in place thereof the following:

6. *Ten Inches and Over.* I. In Big Dan Hole pond in Ossipee and Tuftonboro, Pleasant lake in New London, Tewksbury pond in Grafton, in Sunapee lake, and in lakes and ponds where trolling is permitted for lake trout and salmon, brook trout ten inches and over may be taken from April fifteenth to September first and during the month of September by the use of artificial flies only.

II. In Big brook, Big Brook bog and their tributaries all north of the highway leading from the First to the Second Connecticut lake, brook trout ten inches and over may be taken from May first to October first by the use of artificial flies only.

Amend section 7 of said new chapter by striking out the same and inserting in place thereof the following:

7. *Certain Brooks.* Brook trout not less than six inches in length may be taken and possessed from June first to September first, from the following waters: Jackson Hill brook in Errol, Millsfield pond brook in Millsfield and Errol and Smoky Camp brook in Errol, except as provided in paragraph XVIII of section 30 hereof.

Amend section 8 of said new chapter by striking out the same and inserting in place thereof the following:

8. *Creel Limit.* Of brook trout taken under the provisions of sections 3 to 7, inclusive, of this chapter no person may take more than ten in number, nor more than five pounds in weight when taken, in one day; provided that so long as he has taken less than ten in number or five pounds in weight, he shall be entitled to take one additional fish; and provided further that from the ponds named in paragraph VIII of section 5 and paragraph II of section 6 no person may take more than five in number nor more than five pounds in weight when taken, in one day, except that so long as he has taken less than five in number or five pounds in weight he shall be entitled to take one additional fish.

Amend section 11 of said new chapter by striking out the same and inserting in place thereof the following:

11. *Lake Trout.* Lake trout not less than twelve inches in length may be taken and possessed from Big Diamond pond, Big Greenough pond, and Stinson lake, and not less than fifteen inches in length, from all other waters of the state, from January first to September first, and during the month of September by the use of artificial flies only, except that in Lake Masabesic lake trout not less than fifteen inches in length may be taken in open waters by trolling only from



January first to September first, and by the use of artificial flies only during the month of September and in said lake, said lake trout may, during the open season, be taken through the ice as provided in section 28.

Amend section 14 of said new chapter by striking out the same and inserting in place thereof the following:

14. *Taking.* The taking of any of the species mentioned in the preceding sections of this chapter between two hours after sunset and one hour before sunrise is prohibited. The taking of any of such species, except lake trout, through the ice is prohibited provided the said fish may be taken after April fifteenth during the open season through a natural opening in the ice.

Amend section 19 of said new chapter by striking out the same and inserting in place thereof the following:

19. *White Perch.* White perch not less than seven inches in length may be taken and possessed from June first to November first. A person may take a total of not more than ten pounds of white perch in one day, provided so long as he has taken less than ten pounds he shall be entitled to take one additional fish, with the exception of Massabesic lake where white perch of any length and in any quantity may be taken and possessed at any time.

Amend section 22 of said new chapter by striking out the same and inserting in place thereof the following:

22. *Pickereel.* Pickerel not less than twelve inches in length may be taken and possessed from June first to January sixteenth, except that in Lake Winnepesaukee, Lake Massabesic, Squam lake, Lake Winnisquam and Lake Wentworth in Wolfeboro pickerel of



not less than twelve inches in length may be taken and possessed from June first to April first. A person may take not more than ten pounds of pickerel in one day, provided that so long as he has taken less than ten pounds he shall be entitled to one additional fish.

Amend paragraph III of section 23 of said new chapter by striking out the same and inserting in place thereof the following:

III. Mason pond in Orford, Merrymeeting lake in New Durham, Middleton reservoir in Middleton, Mirror lake in Woodstock.

Amend paragraph IV of said section 23 by striking out the same and inserting in place thereof the following:

IV. Newfound lake, Ogontz lake in Lyman, Pea Porridge pond in Madison and Conway, Pearl lake in Lisbon.

Amend paragraph V of said section 23 by striking out the same and inserting in place thereof the following:

V. Pemigewasset river, Post pond in Lyme, Rocky pond in Wentworth, Round pond in Lyman.

Amend paragraph VI of said section 23 by striking out the same and inserting in place thereof the following:

VI. Silver lake in Madison, Sunapee lake, Tarleton lake in Piermont and Warren, Tewksbury pond in Grafton, Town Line pond in Dorchester and Wentworth, Trout pond in Dorchester, Winnipiesaukee river, all streams in the state inhabited by trout and all lakes and ponds of Coos county inhabited by trout except Umbagog lake in Errol and Cambridge and except that part of Umbagog lake known as Leonard pond in Errol and except the Magalloway river and its

tributaries and the Androscoggin river and its tributaries, from Umbagog lake to Errol dam.

Amend section 26 of said new chapter by striking out the same and inserting in place thereof the following:

26. *Closed to Smelt Fishing.* The following waters are closed to smelt fishing:

I. Dana Hines brook in Meredith, Dublin pond and the outlet as far as Clark's Mill pond dam in Dublin, White pond in Ossipee, Black brook in Sanbornton for a distance of two hundred yards above its middle mouth to a point one hundred and fifty yards out into the lake from its middle mouth.

II. Massabesic lake and all its tributaries in Manchester and Auburn, Silver Lake and its tributaries in Madison, Massasecum lake in Bradford, Pleasant pond and its tributaries in Deerfield, Mascoma river in Mascoma and Lebanon from the outlet of the lake to the south ends of the abutment of the first railroad bridge.

III. First Connecticut lake and its tributaries in Pittsburg, all tributaries of Sunapee lake, Highland lake and its tributaries in Andover, all tributaries of Webster lake in Franklin, Echo lake in Marlow and Lempster, Inlet brook to Ledge pond in Madison, all tributaries of Loon lake in Freedom, except Village brook, Nubansuit lake and all its tributaries in Hancock and Nelson.

IV. Silver lake in Nelson and Harrisville, Mill brook from White Oak pond to Big Squam lake in Holderness, all tributaries to Lake Tarleton in Piermont, Swanzey lake in Swanzey, all tributaries of Little Sunapee lake in New London, Spofford lake and its tributaries in the town of Chesterfield; Fernald brook flowing into Lake Wentworth in Wolfeboro

and the mouth of Fernald brook where it flows into the lake for an area of fifty feet out into the lake, Bradley lake in Andover.

Amend section 28 of said new chapter by striking out the same and inserting in place thereof the following:

28. *Ice Fishing.* Lake trout, perch, shad, whitefish, pickerel and cusk may be taken through the ice during the open season therefor, with hook and line, tip-ups or bobs; but no person shall have in use or control at the time more than six lines, tip-ups or bobs, and such person shall be present and have personal control over the same, except that ten such devices for taking cusk, marked with the name of the owner, may be set and left unattended for a period not longer than twenty-four hours, and provided further that none of said hooks and lines, tip-ups or bobs shall be connected by or to any wire, cord or rope extending from any one of said lines, tip-ups or bobs to any other of such devices or be in any other manner connected. Nothing in this section shall be construed as prohibiting fishing for lake trout or shad, through the ice, with one line in hand, in addition to ten such unattended cusk lines. No person shall take more than two lake trout through the ice in one day.

Amend paragraph I of section 29 of said chapter by striking out the same and inserting in place thereof the following:

I. Arlington Mills reservoir, Big Dan Hole pond in Ossipee and Tuftonboro, Dimon or Tom pond in Warner, Elbow pond in Woodstock, Ferrin pond in Weare, Forham pond in Dunbarton, Forest lake in Winchester.

Amend paragraph III of said section 29 by striking out the same and inserting in place thereof the following:

III. Miller pond in Grantham, Mirror lake in Whitefield, Mount William pond in Weare, Mountain View lake in Sunapee, Nippo pond in Barrington.

Amend paragraph IV of said section 29 by striking out the same and inserting in place thereof the following:

IV. Northwood lake in Northwood and Epsom, North River lake in the towns of Northwood, Nottingham and Barrington, Nutt pond in Manchester, Partridge lake in Lyman and Littleton, Pillsbury Reservation in Washington, Pleasant lake in New London, Robb reservoir in Stoddard, Spoonwood pond in Nelson.

Amend paragraph VI of said section 29 by striking out the same and inserting in place thereof the following:

VI. Warren lake in Alstead, Wash pond in Hampstead, White's pond in Pelham, Winnipauket lake in Webster, Zephyr lake in Greenfield.

Amend said section 29 by inserting at the end the following:

IX. Nubanusit lake in Hancock and Nelson from January first to February sixteenth.

Amend paragraph VIII of said section 29 by striking out the same and inserting in place thereof the following:

VIII. Newfound lake except from the fifteenth day of January until the first day of March.

Amend paragraph I of section 30 of said new chapter by striking out the same and inserting in place thereof the following:

I. Alder brook, a tributary of Stearns brook, in Milan and Success, Amos Pike or Starch Factory brook, from its source to the highway leading from the state road to the French pond road and all tribu-

taries of Long pond in Benton and the area of said Long pond one hundred feet from the inlet out into the pond and fifty feet on each side of said inlet, the New Inlet brook from Back lake road to Back lake also a radius of one hundred feet out from the mouth of said brook into Back lake, Pittsburg.

Amend paragraph V of said section 30 by striking out the same and inserting in place thereof the following:

V. Lime Kiln brook and its tributaries above the number 6 schoolhouse, in Haverhill, all tributaries of Marshall pond in Unity, Melvin river below the New Road bridge in Tuftonboro, all tributaries of Merry-meeting lake in New Durham, all tributaries of Morse brook in Easton.

Amend paragraph VII of said section 30 by striking out the same and inserting in place thereof the following:

VII. All tributaries of Pleasant lake in New London and that portion of Pleasant lake which forms a cove into which Chandler brook flows out to a line between two markers approximately one hundred yards north from Chandler brook, all tributaries of Pisgah reservoir in Winchester.

Amend paragraph VIII of said section 30 by striking out the same and inserting in place thereof the following:

VIII. Sand Hill brook in Auburn, Derry and Londonderry, Smith brook in Pittsburg from the dam to the main river, Spring pond brook in Bennington, streams between Tioga, Sargent and Badger reservoirs in Belmont, all tributaries of Swift Diamond river in Dartmouth College Grant, all tributaries of Taggart brook in Peterborough.

Further amend said section 30 by inserting at the end thereof the following new paragraphs:

XI. Robinson pond in the town of Hudson for the period from February 23, 1939, to February 23, 1941.

XII. Umbagog lake in Errol and Cambridge and that part of the lake called Leonard pond in Errol and the Magalloway river and all its tributaries and the Androscoggin river and all its tributaries from Umbagog lake to Errol dam are hereby closed to all fishing from October first to January first and from March first to April first.

XIII. Lake Katherine in the town of Piermont for the purpose of propagating white perch.

XIV. The South Branch of the Gale river in Franconia and Bethlehem for one-fourth mile above the point of the intake, so called, of the Bethlehem Village District and all tributaries entering said Gale river above said point of intake situated in the town of Franconia.

XV. Zealand river for one-fourth mile above the point of intake and all tributaries thereto from its and their sources to the point of intake, so called, of the public water supply of the Bethlehem Village District, situated in the town of Bethlehem, said waters being closed to fishing to prevent pollution of said water supply.

XVI. Gumpus pond in Pelham from November first to June first.

XVII. All tributaries of Sunapee lake in the towns of Sunapee, Newbury and New London, except that during the open season therefor suckers may be taken from said waters.

XVIII. Sessions pond brook in Cambridge, Little Millsfield pond brook, Jackknife Hill brook, Munn pond brook and Smoky Camp brook in the town of Errol,



from the west side of the main roads, except that smelt may be taken by the use of a dipnet, during the open season therefor.

Amend section 2 of said bill by striking out the same and inserting in place thereof the following:

2. *Repeal.* Chapter 155 of the Laws of 1935, relating to taking fish from certain waters, as amended by chapters 14, 51, 96, 144, 145, 170 of the Laws of 1937, by sections 28, 29, 30, 31, and 32 of chapter 188 of the Laws of 1937, and chapters 5, 6, 14, 27, 35, 36, 37, 45, 58, 59, 62, 73, 74, 84, 85, 86, 87, 88, 94, 96, 97, 98, 116, 117, 118, 119 126, 129, Laws of 1939, is hereby repealed.

Amend paragraph V of section 29 of said new chapter by striking out the same and inserting in place thereof the following:

V. Scott pond in Fitzwilliam, Stocker pond in Grantham, Stone House pond in Barrington, Streeter pond in Lisbon, Sunset lake in Greenfield, Tucker pond in Salisbury.

The report was accepted.

The reading of the amendments having commenced on motion of Mr. Carpenter of Wolfeboro further reading of the amendments were dispensed with.

The question being on the adoption of the amendments.

On a *viva voce* vote the amendments were adopted and the bill ordered to a third reading.

### Taken From the Table

On motion of Mr. Atherton of Nashua, House Bill No. 424, An act relating to banking, was taken from the table.

The question being on the report of the committee that the bill ought to pass with amendments.

Amend said bill by adding after section 2 the following section 2-a:

2-a. Amend chapter 53 of the Public Laws by adding thereto the following new section:

15. *City Treasurers.* City treasurers shall deposit all money belonging to the city in solvent banks in the state, except that wherever it shall prove advantageous to any city near the state boundary to deposit city funds in banks outside the state, the treasurer may deposit the same in said banks upon the approval of the state bank commissioner. The amount deposited in any bank shall not exceed sixty percent of its paid up capital and surplus.

Amend the amending clause of section 7 by striking out in line two the word, "three" and inserting in place thereof the word, four, so that said amending clause shall read as follows:

7. Amend chapter 261 of the Public Laws by adding thereto the following four sections:

Further amend section 7 by adding at the end thereof the following:

64. Under the next three preceding sections a trust company may take all actions with respect to its savings department and with like effect as though such savings department were a separately incorporated guaranty savings bank and the net assets of such savings department in excess of the amount due to depositors therein were special deposits of a guaranty savings bank owned by such trust company and such savings department shall become a separate corporation and shall be and operate as a mutual savings bank as provided by section 63 under such name as shall have been provided in the vote passed under section 61.

Amend section 8 by striking out the entire section and inserting in place thereof the following:

8. All acts and parts of acts inconsistent herewith are hereby repealed and this act shall take effect upon its passage.

The reading of the amendments having commenced on motion of Mr. Atherton of Nashua further reading of the amendments were dispensed with.

The question being on the adoption of the amendments.

On a *viva voce* vote the amendments were adopted.

Mr. Sherry of Dover offered the following amendment.

Amend section 5 by striking out the whole of said section and inserting in place thereof the following:

5. *Real Estate Owned.* Amend section 18 of chapter 262 of the Public Laws by striking out the words "acquired by foreclosure of mortgages owned by the bank" and inserting in place thereof the following; acquired in payment of a pre-existing debt owed to the bank, by foreclosure of mortgage or otherwise, so that said section as amended shall read as follows:

18. *Real Estate.* Any savings bank may hold and lease real estate acquired in payment of a pre-existing debt owed to the bank, by foreclosure of mortgage or otherwise; but all taxes, foreclosure expenses and cost of maintenance shall be paid out of the income of the bank.

The question being on the amendment.

(Discussion ensued)

Messrs. Sherry of Dover and Atherton of Nashua spoke for the amendment.

On a *viva voce* vote the amendment was adopted and the bill ordered to a third reading.

## Message from the Senate

A message from the Honorable Senate by its Clerk announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bills and joint resolution, sent up from the House of Representatives:

House Bill No. 20, An act creating a retirement system for firemen.

House Bill No. 342, An act to provide for additional facilities for handicapped children.

House Joint Resolution No. 23, Joint resolution relative to the repair of the John Stark House in Manchester.

The message also announced that the Senate had voted to adopt the amendments offered by the Committee on Engrossed Bills, to the following bills, in the adoption of which amendments the Senate asked the concurrence of the House of Representatives:

Senate Bill No. 59, An act relating to fishing in Ledge pond in Madison.

Amend the title of said bill by inserting at the end thereof the words, and Big brook and Big Brook bog in Pittsburg.

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1. *Bait and Fly Fishing.* Amend paragraph I, section 2, chapter 155, Laws of 1935, as inserted by chapter 144, Laws of 1937, and as amended by chapter 170, Laws of 1937, and chapter 116, Laws of 1939, by inserting after the word "Sandwich" the words, Ledge pond in Madison, so that said paragraph as amended shall read as follows: I. Back lake in Pittsburg, Ferrin pond in Weare, Gustin pond in Marlow, Halls ponds in Sandwich, Little Diamond pond in Stewartstown, Lily pond in Gilford.

Amend section 2 of said bill by striking out the same and inserting in place thereof the following:

2. *Fly Fishing.* Amend paragraph XI, section 1, chapter 155, Laws of 1935, as inserted by chapter 145, Laws of 1937, and as amended by chapter 84, Laws of 1939, by striking out the words "and its tributaries between Big Brook bog and" and inserting in place thereof the words, Big Brook bog and their tributaries all north of, so that said paragraph as amended shall read as follows: XI. Brook trout not less than ten inches in length may be taken from May first to October first from Big brook, Big Brook bog and their tributaries all north of the highway leading from the First to the Second Connecticut lake, provided that no person may take from said waters more than five in number nor more than five pounds in weight when taken, in one day, except that if he has taken less than five in number or five pounds in weight he shall be entitled to take one additional fish.

On motion of Mr. Carpenter of Wolfeboro the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 418, An act relating to the tenure of office of the Adjutant General.

Amend said bill by inserting after section 2 the following new section:

3. *Takes Effect.* Subject to the provisions of section 2 hereof this act shall take effect upon its passage.

On motion of Mr. Howe of Claremont the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

### Personal Privilege

Mr. Tarbox of Marlboro rose to a point of personal privilege and stated:

According to today's Journal the following named members of Cheshire County: Messrs. Tarbox, Phelps and Bullock are listed as voting No on the motion to indefinitely postpone on House Bill No. 398.

I wish to have this corrected as the above named members voted Yes to indefinitely postpone.

On motion of Mr. Fernald of Dover business in order at 3 o'clock was made in order at the present time.

### Third Readings

On motion of Mr. Fernald of Dover the rules were suspended and the third readings of bills by their titles made in order.

House Bill No. 193, An act relating to taking fish.

House Bill No. 424, An act relating to banking.

Severally read a third time and passed and sent to the Senate for concurrence.

On motion of Mr. Corson of Derry at 12:05 o'clock the House adjourned.

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THURSDAY, MAY 25, 1939.

The House met according to adjournment.

Prayer was offered by the Chaplain.

### Leaves of Absence

Messrs. Havican of Brentwood, Gilmartin of Manchester, Pulsifer of Campton, Hale of Madbury, Smart of Durham, Kelsea of Colebrook, and Underhill of



Nashua were granted leave of absence for the day on account of important business.

### Committee Reports

Mr. Sawyer of Woodstock, for the Committee on Engrossed Bills, reported that the committee had examined and found correctly engrossed the following entitled bills:

Senate Bill No. 59, An act relating to fishing in Ledge pond in Madison and Big brook and Big brook bog in Pittsburg.

House Bill No. 349, An act relative to the collection of legacy taxes upon certain contingent devises and bequests.

House Bill No. 367, An act relating to parole from the state prison.

House Bill No. 418, An act relating to the tenure of office of the adjutant-general.

House Bill No. 412, An act relative to the powers of the school district of Hampton.

The report was accepted.

Mr. Sanderson of Pittsfield, for the Committee on Appropriations, to whom was referred House Joint Resolution No. 9, Joint resolution providing for additional steam facilities at the State Industrial School, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Sanderson of Pittsfield, for the Committee on Appropriations, to whom was referred House Joint Resolution No. 10, Joint resolution providing for maintenance of state owned houses at the State Industrial School, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Sanderson of Pittsfield, for the Committee on Appropriations, to whom was referred House Joint Resolution No. 55, Joint resolution for the construction of an outlet for Little River and the drainage of Little River marsh in the towns of North Hampton and Hampton, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Sanderson of Pittsfield, for the Committee on Appropriations, to whom was referred House Bill No. 338, An act for improvements at the state prison, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Sanderson of Pittsfield, for the Committee on Appropriations, to whom was referred House Joint Resolution No. 7, Joint resolution relating to roads and landscaping at the State Industrial School, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Sanderson of Pittsfield, for the Committee on Appropriations, to whom was referred House Joint Resolution No. 8, Joint resolution relating to the purchase of window grills for the State Industrial School, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

On motion of Mr. Boynton of Hillsboro the rules were suspended to allow for the presentation of a com-

mittee report which had not previously been advertised in the Journal.

Mr. Sanderson of Pittsfield, for the Committee on Appropriations, to whom was referred House Bill No. 236, An act providing for improvements at the state sanatorium, reported the same with the following amendments, and the recommendation that the bill as amended ought to pass.

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1. *Appropriation.* The sum of twenty thousand dollars (\$20,000), or so much thereof as may be necessary, be and hereby is appropriated to be expended for additions and improvements in the heating plant at the state sanatorium at Glencliff, in accordance with plans and specifications to be approved by the governor and council. In addition to said appropriation the sum of sixty thousand dollars (\$60,000), or so much thereof as may be necessary, be and hereby is appropriated to be expended for the construction and equipment of a nurses' home at said sanatorium, provided a grant is made by the federal government in connection with said nurses' home. Said appropriation shall be expended in accordance with plans and specifications to be approved by the governor and council.

Amend section 2 of said bill by striking out the same and inserting in place thereof the following:

2. *Federal Assistance.* The governor and council are hereby authorized to cooperate with and enter into such agreements with the federal government or any agency thereof as they may deem advisable to secure federal funds for the purposes of this act. In case such federal funds are secured for the purposes hereof said funds shall not be used in addition to the amounts appropriated by the state hereunder but the

total amount of federal and state funds to be expended for the heating plant shall not exceed the sum of twenty thousand dollars and the total amount of federal and state funds to be expended for the nurses' home shall not exceed the sum of sixty thousand dollars.

Amend section 3 of said bill by striking out the same and inserting in place thereof the following:

• 3. *Bonds or Notes Authorized.* In order to provide the funds for the appropriations made by the state hereunder the state treasurer is hereby authorized, under the direction of the governor and council, to borrow upon the credit of the state a sum not exceeding eighty thousand dollars and for that purpose may issue bonds or notes in the name and on behalf of the state. Such bonds or notes shall be deemed a pledge of the faith and credit of the state.

The report was accepted, the amendments adopted and the bill ordered to a third reading.

Mr. Barnard of Manchester, for the Committee on Revision of the Statutes, to whom was referred Senate Bill No. 26, An act relative to the safety and health of persons engaged in building and road construction projects, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mr. Bisson of Berlin, for the Special Committee, consisting of the delegation from the city of Berlin, to whom was referred Senate Bill No. 24, An act establishing a board of fire commissioners for the city of Berlin, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mr. Normandin of Laconia, for the Committee on Judiciary, to whom was referred House Bill No. 220, An act relating to the use of motor vehicles by recipients of public aid, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mr. Normandin of Laconia, for the Committee on Judiciary, to whom was referred House Bill No. 128, An act providing for the publication and sale of law reports, reported the same with the following amendments, and the recommendation that the bill as amended ought to pass.

Amend section 1 by striking out in lines three and four the words "a member of the supreme court to be appointed by the court, and a member of the governor's council to be appointed by the governor" and inserting in place thereof the following words, and two other members nominated by justices of the superior court and appointed by the Governor, so that said section as amended shall read as follows: 1. *Committee*. There is hereby created and established the New Hampshire Law Reports Committee which shall consist of the secretary of state *ex officio*, and two other members nominated by justices of the superior court and appointed by the Governor, which committee shall serve without pay, but shall be entitled to reimbursement for actual expenses incurred in the performance of its duties.

Amend section 2 by striking out the word "courts" in the second line and inserting in place thereof the word, court; further amend section 2 by adding after the word "printing" in the fifth line the word, bind-

ing; further amend section 2 by striking out the words "and the use and sale" in line ten; so that said section as amended shall read as follows: 2. *Duties.* The committee shall undertake to make available to the public at reasonable cost, reports of the decisions of the court of last resort of this state. It is hereby authorized to sell or place on sale such reports or parts of reports as now belong to the state, and to arrange for the publication, printing, binding, and sale, subject to the supervision and control of the committee at private expense or otherwise, of such volumes of reported decisions of said courts as it may deem expedient, and in connection therewith to use any reports or parts of reports now belonging to the state; and said committee is authorized to enter into such agreements or contracts with reference to said publication, printing, and sale of said reports or parts of reports belonging to the state as may be necessary or proper to accomplish the purpose of this act.

The report was accepted, the amendments adopted, and the bill referred to the Committee on Appropriations, under the rules.

Mr. Emerson of Hampstead, for the Committee on Appropriations, to whom was referred House Bill No. 393, An act providing for the reconstruction of a toll bridge at Hampton Harbor, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Sanderson of Pittsfield, for the Committee on Appropriations, to whom was referred House Bill No. 312, An act relative to the acquisition and improvement of land at Odiorne's Point, Little Harbor, town of Rye, reported the same with the following resolution:

*Resolved,* That it is inexpedient to legislate.



The report was accepted, and the resolution of the committee adopted.

Mr. Sanderson of Pittsfield, for the Committee on Appropriations, to whom was referred House Joint Resolution No. 61, Joint resolution in favor of Fred D. Parsons, reported the same with the recommendation that the joint resolution ought to pass.

The report was accepted, and the joint resolution ordered to a third reading.

Mr. Sanderson of Pittsfield, for the Committee on Appropriations, to whom was referred House Joint Resolution No. 63, Joint resolution making an appropriation for the construction and equipment of a piggery at the state prison, reported the same with the recommendation that the joint resolution ought to pass.

The report was accepted and the joint resolution ordered to a third reading.

Mr. Sanderson of Pittsfield, for the Committee on Appropriations, to whom was referred House Joint resolution No. 75, Joint resolution in favor of the town of Hooksett, reported the same with the recommendation that the joint resolution ought to pass.

The report was accepted and the joint resolution ordered to a third reading.

Mr. Rice of Rindge, for the Committee on Appropriations, to whom was referred House Bill No. 149, An act providing for improvements at the Laconia State School, reported the same with the following amendments, and the recommendation that the bill as amended ought to pass.

Amend section 1 by striking out in the first line the following "sixty-five thousand dollars (\$65,000)" and inserting in place thereof the following, fifty thousand dollars (\$50,000), so that said section as amended shall read as follows:

1. *Appropriation.* The sum of fifty thousand dollars (\$50,000), or so much thereof as may be necessary, be and hereby is appropriated to be expended for additions and improvements in the heating plant at the Laconia State School, to be expended in accordance with plans and specifications to be approved by the governor and council.

Amend section 2 by striking out in the eighth line the words "sixty-five thousand dollars" and inserting in place thereof fifty thousand dollars so that said section as amended shall read as follows:

2. *Federal Assistance.* The governor and council are hereby authorized to cooperate with and enter into such agreements with the federal government or any agency thereof as they may deem advisable to secure federal funds for the purposes of this act. In case such federal funds are secured for the purposes thereof said funds shall not be used in addition to the amount appropriated by the state hereunder but the total amount of federal and state funds to be expended for said purposes shall not exceed the sum of fifty thousand dollars.

Amend section 6 by striking out in the sixth line the words "sixty-five thousand dollars" and inserting in place thereof fifty thousand dollars so that said section as amended shall read as follows:

6. *Short-Term Notes.* Prior to the issuance of the bonds hereunder, the treasurer, under the direction of the governor and council, may for the purposes hereof borrow money from time to time on short-term loans to be refunded by the issuance of the bonds hereunder provided however that at no one time shall the indebtedness of the state on such short-term loans exceed the sum of fifty thousand dollars.

The report was accepted.

The question being on the amendments.

On a *viva voce* vote the amendments were adopted.

Mr. Sanderson of Pittsfield offered the following amendment.

Amend section 3 by striking out in the fourth line the words "sixty-five" and inserting in place thereof the word, fifty, so that said section as amended shall read as follows:

3. *Bonds or Notes Authorized.* In order to provide the funds for the appropriation made in section 1, the state treasurer is hereby authorized, under the direction of the governor and council, to borrow upon the credit of the state a sum not exceeding fifty thousand dollars and for that purpose may issue bonds or notes in the name and on behalf of the state. Such bonds or notes shall be deemed a pledge of the faith and credit of the state.

On a *viva voce* vote the amendment was adopted, and the bill ordered to a third reading.

Mr. Daniels of Manchester, for the Committee on Appropriations, to whom was referred House Bill No. 64, An act providing for the remodelling of the old main building at the State Industrial School, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *Appropriation.* The sum of ten thousand dollars (\$10,000) be and hereby is appropriated for remodelling at the old main building at the State Industrial School to provide detention quarters, for fire proofing of floors and incidentals. Said sum shall be expended under the direction of the superintendent of said school with the consent of the trustees of said school in accordance with plans and specifications to be approved by the governor and council.

2. *Federal Assistance.* The governor and council are hereby authorized to cooperate with and enter into such agreements with the federal government or any agency thereof as they may deem advisable to secure federal funds for the purposes of this act. In case such federal funds are secured for the purposes hereof said funds shall not be used in addition to the amount appropriated by the state hereunder but the total amount of federal and state funds to be expended for said purposes shall not exceed the sum of ten thousand dollars.

3. *Payment.* The governor is hereby authorized to draw his warrants for the sum hereby appropriated by the state out of any money in the treasury not otherwise appropriated.

4. *Takes Effect.* This act shall take effect upon its passage.

The report was accepted, the amendments adopted and the bill ordered to a third reading.

Mr. Normandin of Laconia, for the Committee on Judiciary, to whom was referred House Bill No. 392, An act authorizing agricultural co-operative associations to generate, transmit, and distribute electric energy and to conduct other services in connection therewith, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend by striking out the whole of section 1 and inserting in its place the following:

1. *Authorization.* Amend chapter 224 of the Public Laws, as amended by chapter 73, Laws of 1933, by adding after section 3 the following new section:

3-a. *Rural Electrification.* An association incorporated under the provisions of this section shall have the following powers:

I. To generate, manufacture, purchase, acquire, accumulate and transmit electric energy, and to distribute, sell, supply and dispose of electric energy to its members, to governmental agencies and political subdivisions, and to other persons not in excess of ten per centum (10%) of the number of its members, but no person shall become a member unless such person shall agree to use electric energy furnished by the co-operative when such electric energy shall be available through its facilities, and membership shall cease if such person shall fail or refuse to use electric energy made available by the co-operative or if electric energy shall not be made available by the co-operative within a specified time after such person shall have become a member; provided, however, that such service shall be rendered only to persons not receiving central station electric service on the effective date of this amendment and to such other persons as the Public Service Commission may find, upon petition and after notice and hearing, should in the public interest be so served; and provided, further, that the provisions of section 7 of chapter 224 of the Public Laws as amended by section 2 of chapter 73, Laws of 1933, with respect to qualifications of members shall not apply to members of a co-operative association organized under this paragraph;

II. To make loans to persons to whom electric energy is or will be supplied by the co-operative for the purpose of, and otherwise assist such persons in, wiring their premises and installing therein electric and plumbing fixtures, appliances, apparatus, and equipment of any and all kinds and character, and in connection therewith, to purchase, acquire, lease, sell, distribute, install and repair such electric and plumbing fixtures, appliances, apparatus, and equipment, and to accept or otherwise acquire, and to sell, assign,



transfer, endorse, pledge, hypothecate and otherwise dispose of notes, bonds and other evidences of indebtedness and any and all types of security therefor;

III. To construct, purchase, take, receive, lease as leasee, or otherwise acquire, and to own, hold, use, equip, maintain, and operate, and to sell, assign, transfer, convey, exchange, lease as lessor, mortgage, pledge, or otherwise dispose of or encumber, electric transmission and distribution lines or systems, electric generating plants, lands, buildings, structures, dams, plants and equipment, and any and all kinds and classes of real or personal property whatsoever, which shall be deemed necessary, convenient or appropriate to accomplish the purpose for which the co-operative is organized;

IV. To purchase or otherwise acquire, and to own, hold, use and exercise and to sell, assign, transfer, convey, mortgage, pledge, hypothecate, or otherwise dispose of or encumber, franchises, rights, privileges, licenses, rights of way and easements;

V. To borrow money and otherwise contract indebtedness, and to issue notes, bonds, and other evidences of indebtedness therefor, and to secure the payment thereof by mortgage, pledge, deed of trust, or any other encumbrance upon any or all of its then owned or after-acquired real or personal property, assets, franchises, revenues or income;

VI. To construct, maintain and operate electric transmission and distribution lines along, upon, under and across all public thoroughfares, including without limitation, all roads, highways, streets, alleys, bridges and causeways, and upon, under and across all publicly owned lands, subject, however, to the requirements in respect to the use of such thoroughfares and lands



that are imposed by the respective authorities having jurisdiction thereof upon corporations constructing or operating electric transmission and distribution lines or systems;

VII. To exercise the power of eminent domain in the manner provided in chapter 244 of the Public Laws, as amended, for the exercise of that power by corporations constructing or operating electric transmission and distribution lines or systems;

VIII. To do and perform any and all other acts and things, and to have and exercise any and all other powers which may be necessary, convenient or appropriate to accomplish the purpose for which the co-operative is organized.

3-b. *Application of Laws.* Co-operative Associations organized under section 3-a shall have all of the powers and privileges of co-operatives organized under any other provisions of this chapter.

3-c. *Reports.* Co-operative Associations organized under this paragraph shall be subject to the provisions of section 7 and sections 12 to 18 inclusive of chapter 240 of the Public Laws, provided, however, that if any such association shall file annually with the Public Service Commission, a certified copy of the annual report required to be filed by it with any agency or department of the United States of America pursuant to any mortgage or deed of trust executed by it, such association shall be deemed to have complied fully with all the requirements of this subparagraph.

3-d. *Service.* Any person, not receiving central station service who shall apply for membership in a co-operative association organized under this paragraph and shall offer to comply with all reasonable terms and conditions in connection therewith shall be

entitled to be admitted to membership therein and to be served thereby and, if such application shall be denied, such person may petition the Public Service Commission which shall have power, if it finds after a hearing that such denial was unreasonable, to order such association to admit such person to membership and to serve such person upon such reasonable terms and conditions as the commission shall prescribe. The provisions of chapter 239 of the Public Laws shall be applicable to any order granting or denying any such petition.

3-e. *Exemption.* Except as otherwise expressly provided in this paragraph co-operative associations organized under this paragraph shall be exempt from the jurisdiction of the Public Service Commission of this state.

Amend by striking out the whole of section 2 and inserting in its place the following:

2. *Separability of Provisions.* If any provisions of sections 3-a to 3-e inclusive, or the application of such provision to any person, body, or circumstance shall be held invalid, the remainder of this paragraph, or the application of such provision to persons, bodies, or circumstances other than those as to which it shall have been held invalid, shall not be affected thereby.

The report was accepted.

The reading of the amendment having commenced, on motion of Mr. Etsler of Claremont further reading of the amendment was dispensed with.

The bill with the amendment pending was laid upon the table to be printed in the Journal.

Mr. Normandin of Laconia, for the Committee on Judiciary, to whom was referred House Bill No. 395, An act relative to the adoption of minors, reported the same with the following amendment, and the

recommendation that the bill as amended ought to pass.

Amend said bill by striking out the whole thereof and inserting in its place the following:

1. *Procedure.* Amend chapter 292 of the Public Laws by inserting after section 1 the following new section: 1-a. *Investigation.* The Register of Probate shall send to the Department of Public Welfare a copy of every petition for adoption of a minor filed in Probate Court within seven (7) days after it is filed. Said department shall make or cause to be made an investigation to determine the condition and antecedents of the child for the purpose of ascertaining whether he is a proper subject for adoption and to determine whether the petitioners and their home are suitable for the proper rearing of the child, due regard being given the race and religion of the child and the petitioners. Said department shall submit to the court, not later than sixty (60) days after the receipt of said petition, such report as will give the court full knowledge as to the desirability of the proposed adoption. Such reports shall be impounded and shall not be examined by any person not a party to the proceedings without an order from the court.

2. *Amendment.* Amend section 2 of said chapter 292 by striking out said section and inserting in place thereof the following: 2. *Consent.* Except as otherwise provided as to abandoned or neglected children, the child, if of the age of fourteen or upward, and his parents, or the survivor of them, shall consent in writing to the adoption; in case of an illegitimate child, the consent of the mother alone or when said mother is under eighteen years of age, if the court shall so order, the consent of the mother and her parents or the survivor of them, and in case of abandonment on the part of either parent or of the insanity

of either parent, the consent of the remaining parent, shall be sufficient. If neither parent is living, the guardian of the child, or if there is no guardian, the next of kin in this state, may give consent; if there is no such kin, the Department of Public Welfare or some duly authorized agent thereof, shall act in the proceedings as next friend of the child and to give or withhold consent.

3. *Amendment.* Amend section 3 of said chapter 292 by striking out said section and inserting in place thereof the following: 3. *Notice.* No notice of the proceedings, other than notice to the Department of Public Welfare as provided in section 1-a, shall be required if both parents of the child, or the survivor of them, or his guardian, or his mother and/or her parents, or the survivor of them, if he be illegitimate, shall have given consent as provided in the preceding section. In all other cases, notices shall be given before hearing.

4. *Procedure.* Amend section 4 of chapter 292 by striking out said section and inserting in place thereof the following: 4. *Waiting Period; Final Decree; Exception.* If the requirements of the preceding sections have been complied with, and the judge is satisfied with the identity and the relation of the parties, and that the petitioner is of sufficient ability to bring up and properly educate the child, and that it is fit and proper that the adoption should take effect, he shall make an order granting the custody of said child to the petitioners for a period of one year from the date of said order. During said period, said department shall make or cause to be made such visits in the home of the petitioners as in its discretion may be necessary, and shall send a report of such visits to the court. If, at the end of said period, the judge is of the opinion that the petition for adoption should be

granted, he shall thereupon make a decree setting forth the facts and ordering that the child shall be the child of the petitioners to all legal intents and purposes. If the child has lived in the home of the petitioners for not less than six months, upon the recommendation of the Department of Public Welfare, the Court may make its decree forthwith. The Register of Probate shall send to the Department of Vital Statistics and to the Director of Public Welfare by mail a report of the adoption upon a form provided for this purpose by the Department of Vital Statistics within seven (7) days after the final decree is filed.

5. *Probation Officer Not to Investigate Adoption Cases.* Amend section 10 of chapter 143 of the Laws of 1937 by striking out last sentence of said section so that said section as amended shall read as follows: 10. *Investigations.* No defendant shall be placed on probation until the report of the investigation by a probation officer shall have been presented to and considered by the court having jurisdiction.

6. Amend Chapter 290 of the Public Laws by inserting after section 3 the following new section: 3-a. *Investigation.* Whenever a petition for the appointment of a guardian over a minor under eighteen years of age is filed, the Judge may cause an investigation and report to be made by an agent of the Department of Public Welfare for his consideration.

7. *Takes Effect.* This act shall take effect upon its passage.

The report was accepted.

The reading of the amendment having commenced on motion of Mr. Etsler of Claremont, further reading of the amendment was dispensed with.

The bill with the amendment pending was laid upon the table to be printed in the Journal.



Mr. Normandin of Laconia, for the Committee on Judiciary, to whom was referred Senate Bill No. 61, An act relative to the use of highways by bicycle riders and others, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 3 by striking out the word "ten" in line twenty and inserting in place thereof the word, five, so that said section as amended shall read as follows:

3. *Penalty.* Amend said chapter 90 by inserting after section 18 the following new section: 18-a. *Penalty.* Any person violating the provisions of section 17-b, or any ordinance, by-law or regulation made by a city or town under the provisions of section 18 shall be fined not more than five dollars.

The report was accepted.

The question being on the amendment.

(Discussion ensued)

Mr. Etsler of Claremont spoke in favor of the amendment.

On a *viva voce* vote the amendment was adopted and the bill ordered to a third reading.

### Resolution

On motion of Mr. Callahan of Keene.

*Resolved,* That when the House adjourns this morning it be to meet Saturday morning at 10:00 o'clock, and that when it then adjourns it adjourn to meet Monday morning at 10:00 o'clock, and that when it then adjourns it adjourn to meet Wednesday morning at 11:00 o'clock.

### Message from the Senate

A message from the Honorable Senate by its Clerk announced that the Senate had voted to concur with



the House of Representatives in the passage of the following entitled bills, sent up from the House of Representatives:

House Bill No. 347, An act exempting the members of the National Guard from the provisions of the act relative to financial responsibility in motor vehicle accidents.

House Bill No. 389, An act consenting to the acquisition of land by the United States for flood control and navigation purposes.

House Bill No. 390, An act to provide a bond issue for the eradication of bovine tuberculosis and Bang's disease.

House Bill No. 402, An act relative to the sewer system in the town of Wolfeboro.

House Bill No. 406, An act relative to the reconveyance of certain property in the town of Boscawen.

House Bill No. 414, An act relating to the boundary lines of highways.

House Bill No. 425, An act validating proceedings of the annual meeting of the Conway Village Fire District.

The message further announced that the Senate had voted to concur with the House of Representatives in its amendments to the following entitled bill:

Senate Bill No. 37, An act relative to minimum fee for agricultural purposes only.

The message further announced that the Senate concurred with the House of Representatives in the passage of the following entitled bill, with amendments in the passage of which amendments the Senate asked the concurrence of the House of Representatives:

House Bill No. 308, An act providing for reports to be made concerning children with impaired hearing.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *Children Suffering Deafness or Impairment of Hearing.* Amend chapter 128 of the Public Laws by inserting after section 15, as inserted by section 2, chapter 58, Laws of 1937, the following new sections: 16. *Reports Required.* Any parent, guardian, attending or school physician, nurse or teacher of a child, under sixteen years of age, who, for a period of six months or more, has evidenced an impairment of his hearing shall report the fact in writing to the Secretary of State Board of Health, giving the name, sex, age and residence of such child and any other information relative thereto as the secretary may require. 17. *Rules and Regulations.* The State Board of Health is hereby authorized to make such rules and regulations as may be necessary or desirable relative to the reports required by section 16. 18. *Information as to Schools.* The State Board of Education shall co-operate with the State Board of Health in furnishing to parents or guardians of such children information as to the location of schools for the deaf or the nearest public school having special classes for instruction for the hard of hearing.

2. *Takes Effect.* This act shall take effect upon its passage.

Mr. Winslow of Chesterfield moved that the House concur in the adoption of the amendment sent down from the Honorable Senate.

The question being on the motion to concur.

(Discussion ensued)

Mr. Winslow of Chesterfield spoke in favor of the motion.

Mr. Sherry of Dover moved that the House non-concur and the amendment be laid upon the table to be printed in the journal.

On a *viva voce* vote the motion of Mr. Sherry of Dover was adopted.

The message also announced that the Senate had passed bills with the following titles, in the passage of which it asked the concurrence of the House of Representatives:

Senate Bill No. 64, An act establishing the state development and publicity department.

Senate Bill No. 67, An act relating to trustees of Tilton school.

Senate Bill No. 68, An act to authorize the sale of property in Durham, New Hampshire for the benefit of the University of New Hampshire.

### Senate Bill Read and Referred

Senate Bill No. 64, An act establishing the state development and publicity department.

Read a first and second time and referred to the Committee on Judiciary.

Mr. Etsler of Claremont ruled that the order whereby Senate Bill No. 64, An act establishing the state development and publicity department, was referred to the committee on Judiciary be vacated and that the bill be referred to a Joint Committee consisting of Judiciary and Appropriation Committees.

On a *viva voce* vote the motion was adopted.

Senate Bill No. 67, An act relating to trustees of Tilton school.

Senate Bill No. 68, An act to authorize the sale of property in Durham, New Hampshire for the benefit of the University of New Hampshire.

Severally read a first and second time and referred to the Committee on Judiciary.

### Resolution

Miss Woodbury of Manchester, Ward 3, offered the following resolution:

*Whereas*, the Members of the House of Representatives have learned with sorrow of the tragedy of the submarine, *Squalus*,

*Therefore, Be It Resolved*, That when the House adjourns today it be in honor and in memory of those who have given "the last full measure of devotion," and in sympathy with those who mourn their loss.

The resolution was unanimously adopted by a rising vote.

### Resignation

The following resignation was accepted.

Manchester, May 25, 1939

Honorable Ansel N. Sanborn,  
Speaker, House of Representatives,  
State House,  
Concord, New Hampshire.

DEAR SIR:

I hereby tender my resignation as a member of the House of Representatives from Manchester, Ward 5, as I have accepted a position with the Federal Government.

Very truly yours,

GEORGE T. HEALY.

### Resolution

Mr. Boynton of Hillsboro offered the following resolution.

*Resolved*, That the use of Representatives' Hall be allowed the Judiciary Committee and Appropriations Committee, Wednesday, May 31, at 1:30 for a joint hearing on Senate Bill No. 64, An act establishing the state development and publicity department.

On a *viva voce* vote the resolution was adopted.

### Taken from Table

On motion of Mr. Sanderson of Pittsfield, House Joint Resolution No. 26, Joint resolution for a memorial work commemorating the sesquicentennial of the federal constitution was taken from the table.

Mr. Sanderson of Pittsfield moved that the House rescind its vote whereby it concurred in the amendment to House Joint Resolution No. 26, sent down from the Honorable Senate, that it non-concur in the amendment and that a committee of conference be appointed.

The question being on the motion of Mr. Sanderson of Pittsfield.

(Discussion ensued)

Mr. Sanderson of Pittsfield spoke for the motion.

On a *viva voce* vote the motion was adopted.

The Speaker appointed as members of such committee on the part of the House: Messrs. Boynton of Hillsboro, Hayes of Dover and Sanderson of Pittsfield.

### Special Order

Mr. Callahan of Keene called for the special order.

It being House Bill No. 354, An act in amendment of the charter of the city of Keene.

The question being,

Shall the bill be indefinitely postponed?

(Discussion ensued)

Mr. Duncan of Jaffrey moved that the bill be laid upon the table and made a special order for Wednesday, May 31, at 11:01 o'clock.

On a *viva voce* vote the motion prevailed.

On motion of Mr. Fernald of Dover business in order at 3 o'clock was made in order at the present time.

### Third Readings

On motion of Mr. Fernald of Dover the rules were suspended and the third readings of bills by their titles and joint resolutions by their captions made in order.

House Bill No. 64, An act providing for the remodelling of the old main building at the State Industrial School.

House Bill No. 149, An act providing for improvements at the Laconia State School.

House Bill No. 236, An act providing for improvements at the state sanatorium.

House Bill No. 393, An act providing for the reconstruction of a toll bridge at Hampton Harbor.

House Joint Resolution No. 61, Joint resolution in favor of Fred D. Parsons.

House Joint Resolution No. 63, Joint resolution making an appropriation for the construction and equipment of a piggery at the state prison.

House Joint Resolution No. 75, Joint resolution in favor of the town of Hooksett.

Severally read a third time and passed and sent to the Senate for concurrence.

Senate Bill No. 61, An act relative to the use of highways by bicycle riders and others.

Read a third time and passed and sent to the Senate for concurrence in the amendment.

On motion of Miss Woodbury of Ward 3, Manchester, at 12:26 o'clock the House adjourned.

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SATURDAY, MAY 27, 1939.

The House met at 10:00 o'clock.

The following letter was read by the Clerk:



Saturday, May 27, 1939.

Mr. George H. Nash,  
Concord, N. H.

DEAR SIR:

I shall be unable to attend the session on Saturday morning. Will you kindly preside for me and oblige.

Yours respectfully,

ANSEL N. SANBORN,  
*Speaker.*

There being no quorum present at 10:01 o'clock the House adjourned.

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MONDAY, MAY 29, 1939.

The House met at 10:00 o'clock.

The following letter was read by the Clerk:

Monday, May 29, 1939.

Mr. George H. Nash,  
Concord, N. H.

DEAR SIR:

I shall be unable to attend the session on Monday morning. Will you kindly preside for me and oblige.

Yours respectfully,

ANSEL N. SANBORN,  
*Speaker.*

There being no quorum present at 10:01 o'clock the House adjourned.

WEDNESDAY, MAY 31, 1939.

The House met according to adjournment.

Prayer was offered by the Chaplain.

### Leaves of Absence

Messrs. Hoyt of Concord, Gay of Hillsboro, Jewell of Wolfeboro, and Congdon of Colebrook were granted leaves of absence for the day on account of important business.

Mr. Gale of Effingham was granted leave of absence for the day on account of a death in the family.

Mr. Howard of Lebanon was granted leave of absence for the day on account of illness.

Mr. Shedd of New Boston was granted leave of absence for Thursday and Friday on account of important business.

Mr. Habel of Somersworth was granted leave of absence for the week on account of important business.

### Committee Reports

Mrs. Batchelder of Hanover, for the Committee on Engrossed Bills, reported that the committee had examined and found correctly engrossed the following entitled bills and joint resolution:

Senate Bill No. 46, An act changing the names of Keene and Plymouth Normal School.

House Bill No. 347, An act exempting the members of the national guard from the provisions of the act relative to financial responsibility, in motor vehicle accidents.

House Bill No. 389, An act consenting to the acquisition of land by the United States for flood control and navigation purposes.

House Bill No. 402, An act relative to the sewer system in the town of Wolfeboro.

House Bill No. 406, An act relative to the reconveyance of certain property in the town of Boscawen.

House Bill No. 414, An act relating to the boundary lines of highways.

House Bill No. 423, An act relating to persons who purchase or receive milk within the state for distribution without the state.

Senate Joint Resolution No. 3, Joint resolution concerning a national patriotic revival plan.

The report was accepted.

Mr. Baker of Concord, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 427, An act relating to fly fishing, with the recommendation that the bill be referred to the Committee on Fisheries and Game.

The report was accepted, the bill read a first and second time, laid upon the table to be printed, and referred to the Committee on Fisheries and Game.

Mr. Boynton of Hillsboro, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 428, An act relating to fishing in Ferrin pond in Weare, with the recommendation that the bill be referred to the Committee on Fisheries and Game.

The report was accepted, the bill read a first and second time, laid upon the table to be printed, and referred to the Committee on Fisheries and Game.

Mr. Sanderson of Pittsfield, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 429, An act relating to forest fires, with the recommendation that the bill be referred to the Committee on Revision of the Statutes.

The report was accepted, the bill read a first and second time, laid upon the table to be printed, and referred to the Committee on Revision of the Statutes.

Mr. Baker of Concord, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 430, An act providing funds for improvements in the state house, with the recommendation that the bill be referred to the Committee on Appropriations.

The report was accepted, the bill read a first and second time, laid upon the table to be printed, and referred to the Committee on Appropriations.

Mr. Baker of Concord, for the Committee on Rules, having considered the subject, reported the following joint resolution, House Joint Resolution No. 77, Joint resolution in favor of Emma S. McGirr, with the recommendation that the joint resolution be referred to the Committee on Claims.

The report was accepted, the joint resolution read a first and second time, laid upon the table to be printed, and referred to the Committee on Claims.

Mr. Sanderson of Pittsfield moved that the order whereby House Joint Resolution No. 77 was referred to the Committee on Claims be vacated.

(Discussion ensued)

The question being on the motion of Mr. Sanderson.

Mr. Sanderson of Pittsfield spoke for the motion.

On a *viva voce* vote the motion prevailed.

Mr. Sanderson of Pittsfield moved that the rules be suspended, the printing and reference to a committee be dispensed with, and that the joint resolution be put upon its third reading and final passage at the present time.

On a *viva voce* vote the motion prevailed.

The joint resolution was then read a third time and passed and sent to the Senate for concurrence.

Mr. Sanderson of Pittsfield, for the Committee on Appropriations, to whom was referred House Joint Resolution No. 28, Joint resolution in favor of Harry

S. Taylor, reported the same with the following amendment, and the recommendation that the joint resolution as amended ought to pass.

Amend said resolution by striking out all after the resolving clause and inserting in place thereof the following:

That the following sums be allowed and appropriated in connection with injuries sustained by Harry S. Taylor of Salisbury, while employed at the State Nursery by the forestry and recreation department, November 30, 1936, said accident being due to the explosion of a blasting cap; Dr. A. A. Beaton, eighty-two dollars (\$82); Dr. James S. Shaw, fifteen dollars (\$15); Dr. R. A. Hernandez of Laconia, ten dollars (\$10); Dr. Greenwood of Boston, ten dollars (\$10); Eye Clinic of Hanover, ten dollars (\$10); travelling expense, twenty-eight dollars and ten cents, (\$28.10); and that the sum of seventeen hundred dollars (\$1,700) be allowed said Harry S. Taylor to compensate him for loss of vision of one eye caused by said accident. The governor is hereby authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

The report was accepted, the amendments adopted and the joint resolution ordered to a third reading.

Mr. Sanderson of Pittsfield, for the Committee on Appropriations, to whom was referred House Joint Resolution No. 74, Joint resolution in favor of William Kaskonas, reported the same with the following amendment, and the recommendation that the joint resolution as amended ought to pass.

Amend said resolution by striking out the words, "The sum" in line six and inserting in place thereof the following, and the sum of seventy-two dollars (\$72) be allowed Dr. Robert J. Graves for services to said William Kaskonas in connection with said in-

juries. The sums, so that said resolution as amended shall read as follows:

That the sum of two hundred and fifty dollars (\$250) be and hereby is appropriated and allowed William Kaskonas of Dunbarton for injuries he received in November, 1937, while in the employ of the state highway department and the sum of seventy-two dollars (\$72) be allowed Dr. Robert J. Graves for services to said William Kaskonas in connection with said injuries. The sums hereby appropriated shall be a charge upon the highway funds.

The report was accepted, the amendments adopted and the joint resolution ordered to a third reading.

Mr. Sanderson of Pittsfield, for the Committee on Appropriations, to whom was referred House Joint Resolution No. 24, Joint resolution in favor of H. W. Hillier of Lancaster, reported the same with the following amendment, and the recommendation that the joint resolution as amended ought to pass.

Amend said resolution by striking out the words and figures "fifteen hundred dollars (\$1,500)" in line one and inserting in place thereof the words and figures, seventeen hundred dollars (\$1,700), so that said resolution as amended shall read as follows: That the sum of seventeen hundred dollars (\$1,700) be allowed and paid to H. W. Hillier for personal injuries sustained by him while employed by the state highway department at Dalton March 9, 1938, occasioned by the premature explosion of dynamite. Said sum shall be a charge upon the highway funds and shall be in full settlement of said claim.

The report was accepted, the amendment adopted and the joint resolution ordered to a third reading.

Mr. Normandin of Laconia, for the Committee on Judiciary, to whom was referred House Bill No. 395. An act relative to the adoption of minors, reported the



same with the following amendments, and the recommendation that the bill as amended ought to pass.

Amend said bill by striking out the whole thereof and inserting in its place the following:

1. *Procedure.* Amend chapter 292 of the Public Laws by inserting after section 1 the following new section: 1-a. *Investigation.* The Register of Probate shall send to the Department of Public Welfare a copy of every petition for adoption of a minor filed in Probate Court within seven (7) days after it is filed. Said department shall make or cause to be made an investigation to determine the condition and antecedents of the child for the purpose of ascertaining whether he is a proper subject for adoption and to determine whether the petitioners and their home are suitable for the proper rearing of the child, due regard being given the race and religion of the child and the petitioners. Said department shall submit to the court, not later than sixty (60) days after the receipt of said petition, such report as will give the court full knowledge as to the desirability of the proposed adoption. Such reports shall be impounded and shall not be examined by any person not a party to the proceedings without an order from the court.

2. *Amendment.* Amend section 2 of said chapter 292 by striking out said section and inserting in place thereof the following: 2. *Consent.* Except as otherwise provided as to abandoned or neglected children, the child, if of the age of fourteen or upward, and his parents, or the survivor of them, shall consent in writing to the adoption; in case of an illegitimate child, the consent of the mother alone or when said mother is under eighteen years of age, if the court shall so order, the consent of the mother and her parents or the survivor of them, and in case of abandonment on the part of either parent or of the

insanity of either parent, the consent of the remaining parent, shall be sufficient. If neither parent is living, the guardian of the child, or if there is no guardian, the next of kin in this state, may give consent; if there is no such kin, the Department of Public Welfare or some duly authorized agent thereof, shall act in the proceedings as next friend of the child and to give or withhold consent.

3. *Amendment.* Amend section 3 of said chapter 292 by striking out said section and inserting in place thereof the following: 3. *Notice.* No notice of the proceedings, other than notice to the Department of Public Welfare as provided in section 1-a, shall be required if both parents of the child, or the survivor of them, or his guardian, or his mother and/or her parents, or the survivor of them, if he be illegitimate, shall have given consent as provided in the preceding section. In all other cases, notices shall be given before hearing.

4. *Procedure.* Amend section 4 of chapter 292 by striking out said section and inserting in place thereof the following: 4. *Waiting Period; Final Decree; Exception.* If the requirements of the preceding sections have been complied with, and the judge is satisfied with the identity and the relation of the parties, and that the petitioner is of sufficient ability to bring up and properly educate the child, and that it is fit and proper that the adoption should take effect, he shall make an order granting the custody of said child to the petitioners for a period of one year from the date of said order. During said period, said department shall make or cause to be made such visits in the home of the petitioners as in its discretion may be necessary, and shall send a report of such visits to the court. If, at the end of said period, the judge is of the opinion that the petition for adoption should be

granted, he shall thereupon make a decree setting forth the facts and ordering that the child shall be the child of the petitioners to all legal intents and purposes. If the child has lived in the home of the petitioners for not less than six months, upon the recommendation of the Department of Public Welfare, the Court may make its decree forthwith. The Register of Probate shall send to the Department of Vital Statistics and to the Director of Public Welfare by mail a report of the adoption upon a form provided for this purpose by the Department of Vital Statistics within seven (7) days after the final decree is filed.

5. *Probation Officer Not to Investigate Adoption Cases.* Amend section 10 of chapter 143 of the Laws of 1937 by striking out the last sentence of said section so that said section as amended shall read as follows: 10. *Investigations.* No defendant shall be placed on probation until the report of the investigation by a probation officer shall have been presented to and considered by the court having jurisdiction.

6. Amend chapter 290 of the Public Laws by inserting after section 3 the following new section: 3-a. *Investigation.* Whenever a petition for the appointment of a guardian over a minor under eighteen years of age is filed, the Judge may cause an investigation and report to be made by an agent of the Department of Public Welfare for his consideration.

7. *Takes Effect.* This act shall take effect upon its passage.

The report was accepted.

The reading of the amendments having commenced on motion of Mr. Tilton of Ward 4, Laconia, further reading of the amendments were dispensed with.

The amendments were then adopted, and the bill ordered to a third reading.

Mr. Normandin of Laconia, for the Committee on Judiciary, to whom was referred House Bill No. 392, An act authorizing agricultural co-operative associations to generate, transmit, and distribute electric energy, and to conduct other services in connection therewith, reported the same with the following amendments, and the recommendation that the bill as amended ought to pass.

Amend by striking out the whole of section 1 and inserting in its place the following:

1. *Authorization.* Amend chapter 224 of the Public Laws, as amended by chapter 73, Laws of 1933, by adding after section 3 the following new section:

3-a. *Rural Electrification.* An association incorporated under the provisions of this section shall have the following powers:

I. To generate, manufacture, purchase, acquire, accumulate and transmit electric energy, and to distribute, sell, supply and dispose of electric energy to its members, to governmental agencies and political subdivisions, and to other persons not in excess of ten per centum (10%) of the number of its members, but no person shall become a member unless such person shall agree to use electric energy furnished by the co-operative when such electric energy shall be available through its facilities, and membership shall cease if such person shall fail or refuse to use electric energy made available by the co-operative or if electric energy shall not be made available by the co-operative within a specified time after such person shall have become a member; provided, however, that such service shall be rendered only to persons not receiving central station electric service on the effective date of this amendment and to such other persons as the Public Service Commission may find, upon petition and

after notice and hearing, should in the public interest be so served; and provided, further, that the provisions of section 7 of chapter 224 of the Public Laws as amended by section 2 of chapter 73, Laws of 1933, with respect to qualifications of members shall not apply to members of a co-operative association organized under this paragraph;

II. To make loans to persons to whom electric energy is or will be supplied by the co-operative for the purpose of, and otherwise assist such persons in, wiring their premises and installing therein electric and plumbing fixtures, appliances, apparatus and equipment of any and all kinds and character, and in connection therewith, to purchase, acquire, lease, sell, distribute, install and repair such electric and plumbing fixtures, appliances, apparatus, and equipment, and to accept or otherwise acquire, and to sell, assign, transfer, endorse, pledge, hypothecate and otherwise dispose of notes, bonds and other evidences of indebtedness and any and all types of security therefor;

III. To construct, purchase, take, receive, lease as leasee, or otherwise acquire, and to own, hold, use, equip, maintain, and operate, and to sell, assign, transfer, convey, exchange, lease as lessor, mortgage, pledge, or otherwise dispose of or encumber, electric transmission and distribution lines or systems, electric generating plants, lands, buildings, structures, dams, plants and equipment, any and all kinds and classes of real or personal property whatsoever, which shall be deemed necessary, convenient or appropriate to accomplish the purpose for which the co-operative is organized;

IV. To purchase or otherwise acquire, and to own, hold, use and exercise and to sell, assign, transfer, convey, mortgage, pledge, hypothecate, or otherwise



dispose of or encumber, franchises, rights, privileges, licenses, rights of way and easements;

V. To borrow money and otherwise contract indebtedness, and to issue notes, bonds, and other evidences of indebtedness therefor, and to secure the payment thereof by mortgage, pledge, deed of trust, or any other encumbrance upon any or all of its then owned or after-acquired real or personal property, assets, franchises, revenues or income;

VI. To construct, maintain and operate electric transmission and distribution lines along, upon, under and across all public thoroughfares, including without limitation, all roads, highways, streets, alleys, bridges and causeways, and upon, under and across all publicly owned lands, subject, however, to the requirements in respect to the use of such thoroughfares and lands that are imposed by the respective authorities having jurisdiction thereof upon corporations constructing or operating electric transmission and distribution lines or systems;

VII. To exercise the power of eminent domain in the manner provided in chapter 244 of the Public Laws, as amended, for the exercise of that power by corporations constructing or operating electric transmission and distribution lines or systems;

VIII. To do and perform any and all other acts and things, and to have and exercise any and all other powers which may be necessary, convenient or appropriate to accomplish the purpose for which the co-operative is organized.

3-b. *Application of Laws.* Co-operative Associations organized under section 3-a shall have all of the powers and privileges of co-operatives organized under any other provisions of this chapter.



3-c. *Reports.* Co-operative Associations organized under this paragraph shall be subject to the provisions of section 7 and sections 12 to 18 inclusive of chapter 240 of the Public Laws, provided, however, that if any such association shall file annually with the Public Service Commission, a certified copy of the annual report required to be filed by it with any agency or department of the United States of America pursuant to any mortgage or deed of trust executed by it, such association shall be deemed to have complied fully with all the requirements of this subparagraph.

3-d. *Service.* Any person, not receiving central station service who shall apply for membership in a co-operative association organized under this paragraph and shall offer to comply with all reasonable terms and conditions in connection therewith shall be entitled to be admitted to membership therein and to be served thereby and, if such application shall be denied, such person may petition the Public Service Commission which shall have power, if it finds after a hearing that such denial was unreasonable, to order such association to admit such person to membership and to serve such person upon such reasonable terms and conditions as the commission shall prescribe. The provisions of chapter 239 of the Public Laws shall be applicable to any order granting or denying any such petition.

3-e. *Exemption.* Except as otherwise expressly provided in this paragraph co-operative associations organized under this paragraph shall be exempt from the jurisdiction of the Public Service Commission of this state.

Amend by striking out the whole of section 2 and inserting in its place the following:

2. *Separability of Provisions.* If any provisions of sections 3-a to 3-e inclusive, or the application of such provision to any person, body, or circumstance shall be held invalid, the remainder of this paragraph, or the application of such provision to persons, bodies, or circumstances other than those as to which it shall have been held invalid, shall not be affected thereby.

The reading of the amendments having commenced, on motion of Mr. Barnard of Manchester further reading of the amendments were dispensed with.

The question being on the amendments.

(Discussion ensued)

Mr. Duncan of Jaffrey spoke for the amendments.

Mr. Pennell of Exeter offered the following amendment:

Amend 3-e page 16 of the Journal by adding after the word "paragraph" in line 2 the words, and as provided in paragraph VI so that as amended 3-e shall read as follows:

3-e. Except as otherwise expressly provided in this paragraph and as provided in paragraph VI, co-operative associations organized under this paragraph shall be exempt from the jurisdiction of the Public Service Commission of the State.

The question being on the amendment to the amendment.

(Discussion ensued)

Mr. Pennell of Exeter spoke for the amendment to the amendment.

Messrs. Duncan of Jaffrey and Etsler of Claremont spoke against the amendment to the amendment.

On a *viva voce* vote the amendment to the amendment was not adopted.

The question being on the amendments reported by the committee.

On a *viva voce* vote the amendments were adopted and the bill ordered to a third reading.

Mr. Normandin of Laconia, for the Committee on Judiciary, to whom was referred House Bill No. 275, (In new draft), An act relating to workmen's compensation, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted.

Mr. Etsler of Claremont moved that the words "ought to pass" be substituted for the words "inexpedient to legislate."

The question being on the motion to substitute.

(Discussion ensued)

Mr. Etsler of Claremont spoke in favor of the motion.

Mr. Tilton of Ward 4, Laconia moved that the bill be recommitted to the Committee on Judiciary.

The question being on the motion to recommit.

(Discussion ensued)

Messrs. Tilton of Ward 4, Laconia and Wadleigh of Milford spoke in favor of the motion.

On a *viva voce* vote the motion prevailed and the bill was recommitted to the Committee on Judiciary.

Mr. Emerson of Milford, for the Committee on Public Improvements, to whom was referred House Bill No. 426, An act authorizing the state of New Hampshire to take over the Warren-Woodstock road in the towns of Warren and Woodstock for the purpose of maintenance, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted.

Mr. Dreghorn of Warren moved to substitute the words "ought to pass" for the words "inexpedient to legislate."

The question being on the motion to substitute.

(Discussion ensued)

Messrs. Dreghorn of Warren, Emerson of Milford, Cannell of Lebanon and Dugan of Wilton spoke in favor of the motion.

Mr. Erlando of Mont Vernon, and Plummer of Milton spoke against the motion.

Mr. Barnard of Manchester moved the previous question.

Shall the main question now be put?

On a *viva voce* vote the previous question was ordered.

The question being on the motion to substitute the words "ought to pass" for the words "inexpedient to legislate."

On a *viva voce* vote the motion to substitute the words "ought to pass" for the words "inexpedient to legislate" did not prevail.

Mr. Emerson of Milford called for a division.

A division being had 147 members voted in the affirmative and 119 members voted in the negative, and less than two thirds of the members elected being present, and voting and less than two thirds of those voting having voted in either the affirmative or negative, no valid action was taken and the bill went into unfinished business.

Mrs. Batchelder of Hanover, for the Committee on Engrossed Bills, to whom was referred Senate Joint Resolution No. 5, Joint resolution for securing and holding in New Hampshire the 1942 International Ski Federation World Championship, reported the same under Joint Rule No. 6, with the following amend-

ment, and the recommendation that the resolution as amended ought to pass.

Amend said resolution by striking out all after the resolving clause and inserting in place thereof the following:

That the governor, with the advice and consent of the council, appoint an advisory committee to consider the advisability and possibility of securing for and holding in New Hampshire the 1942 International Ski Federation World Championship and to work with the National Ski Association of America for that purpose. The sum of three hundred dollars is hereby appropriated for the purposes hereof and the governor is hereby authorized to draw his warrants for said sum out of any money in the treasury not otherwise appropriated.

The report was accepted, the amendment adopted and the bill sent to the Senate for concurrence.

#### **Taken from the Table**

On motion of Mr. Winslow of Chesterfield, House Bill No. 308, An act providing for reports to be made concerning children with impaired hearing, was taken from the table.

The question being on the adoption of the amendments sent down from the Honorable Senate.

On motion of Mr. Winslow of Chesterfield the House concurred in the amendments sent down from the Honorable Senate.

The bill was then sent to the Secretary of State to be engrossed.

#### **Message from the Senate**

A message from the Honorable Senate by its Clerk announced that the Senate had voted to concur with the House of Representatives in the passage of the

following entitled bills, sent up from the House of Representatives:

House Bill No. 62, An act relating to trust companies and other financial institutions.

House Bill No. 348, An act relating to investments of savings banks.

House Bill No. 423, An act relating to persons who purchase or receive milk within the state for distribution without the state.

The message further announced that the Senate had voted to adopt the amendments offered by the Committee on Engrossed Bills, to the following House Bills, in the adoption of which amendments the Senate asked the concurrence of the House of Representatives:

House Bill No. 419, An act validating the proceedings of the recessed town meeting in the town of Milford.

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1. *Proceedings Legalized.* The votes and proceedings of the recessed town meeting held in the town of Milford, April 25, 1939, and the appropriation of forty thousand dollars for improvement of the water system and the proceedings relative to the issuance of notes in that amount for that purpose, are hereby legalized, ratified and confirmed.

On motion of Mr. Emerson of Milford the House concurred in the adoption of the amendment proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 20, An act creating a retirement system for firemen.

Amend paragraph II of section 9 of said bill by striking out the words "permanent firemen or call fire-



men" and inserting in place thereof the words, such persons as may be entitled thereto.

Amend section 10 of said bill by striking out the word "must" in the twelfth line and inserting in place thereof the word, shall.

Amend section 11 of said bill by striking out the words, "his annual salary, at the date of" and inserting in place thereof the words, the annual salary received by him during the year preceding. Further amend said section by inserting after the word "dismissal" in the sixth line the words, as determined by the board.

Amend section 13 of said bill by inserting after the word "until" in the fourteenth line the words, in case of a widow, she dies or remarries, or,

Amend section 15 of said bill by striking out the words "by permanent or call firemen" in the second and third lines.

On motion of Mr. Saltmarsh of Concord the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

The message also announced that the Senate concurs with the House of Representatives in the passage of the following entitled bill, with amendment, in the passage of which amendment the Senate asked the concurrence of the House of Representatives:

House Bill No. 417, An act relative to the exceptions to the motor vehicle financial responsibility act.

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1. *Motor Vehicle Financial Responsibility.* Amend chapter 161 of the Laws of 1937 by inserting after section 26 the following new section: 26-a. *Municipal Fire Departments.* The provisions of this act shall not

apply to a permanent, call or volunteer firemen of a municipal fire department while on official duty operating a motor vehicle owned by the state or said fire department and shall not apply to said motor vehicle while so operated.

On motion of Mr. Barnard of Manchester the House concurred in the adoption of the amendment sent down from the Honorable Senate.

The bill was then sent to the Secretary of State to be engrossed.

### Special Order

House Bill No. 354, An act in amendment of the charter of the city of Keene.

The special order not being called the bill went into unfinished business.

On motion of Mr. Frissell of Keene, business in order at 3 o'clock, was made in order at the present time.

### Third Readings

On motion of Mr. Frissell of Keene the rules were suspended and the third readings of bills by their titles and joint resolutions by their captions made in order.

House Bill No. 392, An act authorizing agricultural co-operative associations to generate, transmit, and distribute electric energy and to conduct other services in connection therewith.

House Bill No. 395, An act relative to the adoption of minors.

House Joint Resolution No. 74, Joint resolution in favor of William Kaskonas.

House Joint Resolution No. 24, Joint resolution in favor of H. W. Hillier of Lancaster.

House Joint Resolution No. 28, Joint resolution in favor of Harry S. Taylor.

Severally read a third time and passed and sent to the Senate for concurrence.

On motion of Mr. Frissell of Keene at 1:17 o'clock the House adjourned.

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#### THURSDAY, JUNE 1, 1939

The House met at 11:00 o'clock.

Prayer was offered by the Chaplain.

#### Leaves of Absence

Messrs. Nickerson of Madison, Michie of Deering, and Gay of Hillsboro, were granted leave of absence for Thursday on account of important business.

Mr. Clark of Francestown was granted leave of absence for Friday on account of important business.

Messrs. Ellery of Keene, Jackson of Columbia, Miller of Greenland, and Stowe of Auburn, were granted leave of absence for the remainder of the week on account of important business.

#### Committee Reports

Mrs. Batchelder of Hanover, for the Committee on Engrossed Bills, reported that the committee had examined and found correctly engrossed the following entitled bill:

House Bill No. 20, An act creating a retirement system for firemen.

The report was accepted.

Mr. Carpenter of Wolfeboro, for the Committee on Fisheries and Game, to whom was referred House Bill No. 415, An act relating to hunting of elk, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mr. Carpenter of Wolfeboro, for the Committee on Fisheries and Game, to whom was referred Senate Bill No. 49, An act relating to Oliverian Brook in Benton and Warren and Three Pond brook in Rumney, reported the same with the following amendments, and the recommendation that the bill as amended ought to pass.

Amend said bill by inserting after section 2 the following new section:

3. *Fly Fishing Only.* Amend chapter 201 of the Public Laws, as inserted by section 5, chapter 124, Laws of 1935, by inserting after section 1-a, as inserted by section 5, chapter 96, Laws of 1937, the following new section: 1-b. *Fly Fishing Only.* In all waters named in section 1-a and in section 1 of chapter 155, Laws of 1935, as inserted by chapter 145, Laws of 1937, and as amended by the Laws of 1939, where brook trout may be taken by artificial flies only no fish of any kind may be taken except by the use of artificial flies during the open season therefor.

Further amend said bill by renumbering section 3 to read section 4.

The report was accepted, the amendments adopted, and the bill ordered to a third reading.

Mr. Sanderson of Pittsfield, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 431, An act relative to bonds required of wholesale permittees for the sale of certain alcoholic beverages, with the recommendation that the bill be referred to the Committee on Liquor Laws.

The report was accepted, the bill read a first and second time, laid upon the table to be printed, and referred to the Committee on Liquor Laws.

Mr. Boynton of Hillsboro, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 432, An act providing a deficiency for certain state departments, with the recommendation that the bill be referred to the Committee on Appropriations.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Appropriations.

Mr. Normandin of Laconia, for the Committee on Judiciary, to whom was referred House Bill No. 379, An act providing for a division of municipal accounting within the state tax commission, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill referred to the Committee on Appropriations under the rules.

On motion of Mr. Barnard of Manchester the rules were suspended to allow for the presentation of a committee report which had not previously been advertised in the Journal.

Mr. Barnard of Manchester, for the Committee on Revision of the Statutes, to whom was referred House Bill No. 429, An act relating to forest fires, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

#### Message from the Senate

A message from the Honorable Senate by its Clerk announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bills and joint resolution, sent up from the House of Representatives:

House Bill No. 253, An act relating to clerk hire in the Probate Office of Strafford County.

House Bill No. 386, An act relating to sirens on motor vehicles.

House Bill No. 401, An act relating to temporary vacancies in the office of town treasurer and treasurer of school districts.

House Bill No. 407, An act relative to hours of labor for laundry establishments.

House Joint Resolution No. 20, Joint resolution in favor of Gordon F. Harris of Warner.

The message further announced that the Senate had voted to adopt the amendments offered by the Committee on Engrossed Bills, to the following house bills, in the adoption of which amendments the Senate asked the concurrence of the House of Representatives:

Senate Bill No. 37, An act relative to minimum fee for agricultural purposes only.

Amend section 1 of said bill by inserting after the figures "1939" in the third line the words and figures, and section 5, chapter 132, Laws of 1939, and further amend said section by striking out the word "and" in said third line.

Further amend said section 1 by inserting at the end thereof the following:

In the registration of any tractor to be used in combination with a semi-trailer, the gross weight shall include the weight of such tractor, the weight of the heaviest semi-trailer to be used therewith, the weight of the maximum load to be carried thereby, and separate registration certificates and plates shall be provided for the tractor and the semi-trailer. For the registration of each additional or extra semi-trailer the fee shall be twenty-five dollars.

On motion of Mr. Bunten of Concord the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.



The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 342, An act to provide additional facilities for handicapped children.

Amend the paragraph numbered 45 by inserting before the word "instruction" where it occurs in the third and sixth lines the word, such.

Amend the paragraph numbered 47-a by striking out the word "chapter" and inserting in place thereof the word, subdivision.

On motion of Mr. Barnard of Manchester the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 348, An act relating to investments of savings banks.

Amend section 1 of said bill by striking out the first five lines and inserting in place thereof the following:

1. *Investments of Savings Banks.* Amend paragraph I-a of section 3, chapter 262, Public Laws, as inserted by section 1, chapter 32, Laws of 1935, and as amended by section 11, chapter 103, Laws of 1937, by striking out all of said paragraph and inserting in place thereof the following: I-a, Loans insured by the.

On motion of Mr. Atherton of Nashua the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 390, An act to provide a bond issue for the eradication of bovine tuberculosis and Bang's disease.

Amend section 2 of said bill by striking out the words "approval of" in the seventh line and inserting in place thereof the words, consent to. Further amend said section by inserting before the word "notes" in the fifteenth line the words, bonds and. Further amend said section by striking out the word, "herein" in the last line of said section and inserting in place thereof the words, by section 4 hereof.

Amend section 4 of said bill by inserting before the word "notes" in the second line the words, bonds and.

On motion of Mr. Seavey of Rochester the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

The message further announced that the Senate had voted to accede to the request of the House of Representatives for a Committee of Conference on House Joint Resolution No. 26, Joint resolution for a memorial work commemorating the sesquicentennial of the Federal Constitution, and the President had appointed as members on the part of the Senate, Senators Avery and Estabrook.

The message also announced that the Senate concurred with the House of Representatives in the passage of the following joint resolutions, with amendments, in the passage of which amendments the Senate asked the concurrence of the House of Representatives:

House Joint Resolution No. 71, Joint resolution in favor of Ernest Moore.

Amend said resolution by striking out the words and figures "two hundred dollars (\$200)" and inserting in place thereof the words and figures, three hundred and fifty dollars (\$350), so that said resolution as amended shall read as follows:

That the sum of three hundred and fifty dollars (\$350) be and hereby is appropriated to Ernest Moore of Rye for damage to his motor vehicle and personal injuries, said expenses being the result of an accident caused by a cave-in on Ocean Boulevard in the town of Rye, February 27, 1939. The sum hereby appropriated shall be a charge upon the highway funds.

Amend the last sentence of said resolution by striking out the same and inserting in place thereof the following:

The sums hereby appropriated shall be in full settlement of said claims and shall be a charge upon the highway funds.

On motion of Mr. Officer of Claremont the House concurred in the adoption of the amendments sent down from the Honorable Senate.

The bill was then sent to the Secretary of State to be engrossed.

On motion of Mr. Fernald of Dover business in order at 3 o'clock was made in order at the present time.

### Third Readings

On motion of Fernald of Dover the rules were suspended and the third readings of bills by their titles made in order.

House Bill No. 429, An act relating to forest fires.

Read a third time and passed and sent to the Senate for concurrence.

Senate Bill No. 49, An act relating to Oliverian brook in Benton and Warren and Three pond brook in Rumney.

Read a third time and passed and sent to the Senate for concurrence in the amendment.

On motion of Mr. Bell of Plymouth at 11:45 o'clock the House adjourned.

FRIDAY, JUNE 2, 1939.

The House met at 11:00 o'clock.

Prayer was offered by the Chaplain.

### Leaves of Absence

Messrs. Tuttle of Hancock, Nash of Concord, Ather-ton of Nashua, Graham of Antrim, Tuxbury of Han-over, Smith of Hebron, Sturtevant of Concord, Ballou of Laconia, were granted leave of absence for the day on account of important business.

Mr. Durette of Manchester was granted leave of absence for the day on account of attending a funeral.

Mr. Howard of Lebanon was granted leave of absence for the week on account of illness.

Mrs. Smith of Hebron was granted leave of absence for Tuesday, June 6 on account of important business.

### Committee Reports

Mr. Sawyer of Woodstock, for the Committee on Engrossed Bills, reported that the committee had examined and found correctly engrossed the following entitled bills and joint resolution:

House Bill No. 253, An act relating to clerk hire in the probate office of Strafford County.

House Bill No. 308, An act providing for reports to be made concerning children with impaired hearing.

House Bill No. 386, An act relating to sirens on motor vehicles.

House Bill No. 401, An act relating to temporary vacancies in the office of town treasurer and treasurer of school districts.

House Bill No. 417, An act relative to exceptions to the motor vehicle financial responsibility act.

House Bill No. 419, An act validating the proceedings of the recessed town meeting in the town of Milford.

House Joint Resolution No. 20, Joint resolution in favor of Gordon F. Harris of Warner.

Senate Bill No. 37, An act relative to the registration fees for motor vehicle tractors and tractors used for agricultural purposes only.

House Bill No. 348, An act relating to investments of savings banks.

House Bill No. 390, An act to provide a bond issue for the eradication of bovine tuberculosis and Bang's disease.

Senate Joint Resolution No. 5, Joint resolution for securing and holding in New Hampshire the 1942 Ski Federation World Championships.

House Joint Resolution No. 71, Joint resolution in favor of Ernest Moore.

House Bill No. 342, An act to provide educational facilities for handicapped children.

The report was accepted.

Mr. Batchelder of Northfield, for the Committee on Claims, to whom was referred House Joint Resolution No. 45, Joint resolution in favor of Francis Adams Halstead, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mr. Sanderson of Pittsfield, for the Committee on Appropriations, to whom was referred House Bill No. 271, An act to establish an apprenticeship council within the Bureau of Labor; to define the powers and duties of said council, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mr. Sanderson of Pittsfield, for the Committee on Appropriations, to whom was referred House Bill No. 128, An act providing for the publication and sale of law reports, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mr. Normandin of Laconia, for the Committee on Judiciary, to whom was referred House Bill No. 307, An act relating to advertising, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mr. Normandin of Laconia, for the Committee on Judiciary, to whom was referred Senate Bill No. 67, An act relating to trustees of Tilton school, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mr. Normandin of Laconia, for the Committee on Judiciary, to whom was referred Senate Bill No. 68, An act to authorize the sale of property in Durham, New Hampshire, for the benefit of the University of New Hampshire, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mr. Sanderson of Pittsfield, for the Committee on Appropriations, to whom was referred House Bill No. 376, An act providing for improvements at Rye Harbor, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.



Amend section 1 of said bill by striking out the word "forty" in line two so that said section as amended shall read as follows:

1. *Appropriation.* There is hereby appropriated a sum not exceeding one hundred thousand dollars for the purpose of developing and dredging Rye Harbor, provided a grant is made by the federal government or any agency thereof in connection therewith.

Amend section 2 by striking out the words "the acquisition and improvement of real estate or interests therein in the vicinity of Rye Harbor and" so that said section as amended shall read as follows:

2. *Expenditure.* Said appropriation shall be expended under the direction of the governor and council for the dredging and improvement of Rye Harbor.

The report was accepted, the amendments adopted and the bill ordered to a third reading.

Mr. Baker of Concord, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 433, An act relating to the New Hampshire Water Resources Board, with the recommendation that the bill be referred to the Committee on Judiciary.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Judiciary.

Mr. Osborne of Sunapee, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 434, An act relative to the powers of the fiscal agent of Coos County, with the recommendation that the bill be referred to the Committee on Judiciary.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Judiciary.

Mr. Baker of Concord moved that the order whereby House Bill No. 434, An act relative to the powers of the fiscal agent of Coos County was referred to the Committee on Judiciary, be vacated and the bill be referred to a special committee consisting of the delegation from the county of Coos.

On a *viva voce* vote the motion was adopted.

Mr. Baker of Concord, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 435, An act to provide for reimbursement on account of loss to towns and cities for loss in tax valuation incidental to flood control projects, with the recommendation that the bill be referred to the Committee on Judiciary.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Judiciary.

### Resolution

On motion of Mr. Callahan of Keene,

*Resolved*, That when the House adjourns today, it be to meet Saturday morning at 10:00 o'clock and that when it then adjourns it adjourns to meet Tuesday morning at 11:00 o'clock.

### Committee of Conference Report

The Committee of Conference to whom was referred House Bill No. 203, An act relating to the taking of raccoon, reported the same with the recommendation that the Senate recede from its position in adopting its amendment and that the House recede from its position of non-concurrence and that the following amendment be adopted:

Amend section 1 of said bill by striking out said section and inserting in place thereof the following:

1. *Method of Taking*. Amend section 3, chapter 200, Public Laws, as inserted by section 4, chapter 124,

Laws of 1935, and as amended by chapter 132, Laws of 1937, by striking out said section and inserting in place thereof the following: 3. *Raccoons*. Raccoons may be taken and possessed with the aid of and by the use of a dog and gun from October first to December first. No person shall take more than three raccoons from twelve noon of one day to twelve noon of the following day, nor more than ten raccoons in one season. No person shall hunt raccoons at night by the use of a rifle, revolver or pistol larger than twenty-two calibre long rifle or by the use of shotgun shells carrying shot larger than number four and no person shall hunt raccoons at night by the use of any light except a kerosene lantern, a gasoline lantern or a flashlight with seven cells or less.

OLIVER H. MUNROE,  
A. RALPH ESTABROOK,

*Conferees on the Part of the Senate.*

HARVEY H. CONVERSE,  
WILLIAM F. ROWDEN,  
JOHN P. DEMPSEY,

*Conferees on the Part of the House.*

On motion of Mr. Converse the report was adopted.

### Message from the Senate

A message from the Honorable Senate by its Clerk announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bill sent up from the House of Representatives:

House Bill No. 424, An act relating to banking.

The message further announced that the Senate had voted to concur with the House of Representatives in its amendments to the following entitled bill and joint resolution:

Senate Bill No. 61, An act relative to the use of highways by bicycle riders and others.

Senate Joint Resolution No. 5, Joint resolution for securing and holding in New Hampshire the 1942 International Ski Federation World Championship.

The message further announced that the Senate concurred with the House of Representatives in the passage of the following entitled bills, with amendments, in the passage of which amendments the Senate asked the concurrence of the House of Representatives:

House Bill No. 373, An act relating to commitment to the state hospital.

Amend said bill by striking out section 1 and inserting in place thereof the following:

1. *Commitment of Insane Persons.* Amend section 18 of chapter 11 of the Public Laws by inserting after the word "mayor" in the sixth line the words, or city clerk, or a justice of the municipal court of a city, and by inserting after the word "town" in said sixth line the words, of the town clerk, so that said section as amended shall read as follows: 18. *Physicians' Certificates.* No person shall be committed to the state hospital, except as otherwise specially provided, without the certificate of two reputable physicians that such person is insane, given after a personal examination made within one week of the committal. Such certificate shall be accompanied by a certificate of a judge of the superior or probate court, mayor, or city clerk, or a justice of the municipal court of a city, or one of the selectmen of a town, or the town clerk, certifying to the genuineness of the signatures and the respectability of the signers. The physicians making such examination shall be legally registered to practice medicine in this state, and in the actual practice of their profession at the time of said examination and

for at least three years prior thereto. They shall act jointly in making such examination, and their certificate shall bear the date thereof. Neither of said physicians shall be a relative of the person alleged to be insane, or an official of the institution to which it is proposed to commit him. The certificate of insanity shall be in the form prescribed by the commission of lunacy and shall contain the facts and circumstances upon which the judgment of the physicians is based.

Further amend said bill by adding after section 1 the following new section:

2. *Takes Effect.* This act shall take effect upon its passage.

On motion of Mrs. Stiles of Dummer, the House concurred in the adoption of the amendment sent down from the Honorable Senate.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 356, An act relating to the state house, state house annex, state library, and the Hannah Dustin monument.

Amend the title of the bill by striking out the words "Franklin Pierce Homestead and the Daniel Webster Birthplace"; so that said title as amended shall read as follows:

An act relating to the State House, State House Annex, State Library, Hannah Dustin Monument.

Amend section 1 of said bill as follows: Amend section 1 of the new chapter by striking out the words "Franklin Pierce Homestead, Daniel Webster Birthplace"; so that said section as amended shall read:

1. *Custodians.* The governor and council shall be the custodians of the state house, state house annex, state library, Hannah Dustin monument, and grounds connected with each.

Amend section 5 of the new chapter by striking out the words "Franklin Pierce Homestead, Daniel Webster Birthplace"; so that said section as amended shall read:

5. *Duties.* Said superintendent shall have charge of all matters relating to the care, maintenance and repair of the state house, state house annex, state library, Hannah Dustin monument, and the grounds connected with each.

Amend section 6 of the new chapter by adding at the end thereof the words: The superintendent with the approval of the governor and council may designate any employee of his department to act as assistant superintendent; so that said section as amended shall read as follows:

6. *Assistants.* Said superintendent shall appoint such assistants as he may require, specify their work and fix their compensation. The superintendent with the approval of the governor and council may designate any employee of his department to act as assistant superintendent.

Amend section 14 of the new chapter by striking out the words "Franklin Pierce homestead, Daniel Webster birthplace"; so that said section as amended shall read:

14. *Portraits, etc.* No portraits, busts, statues or other things of a memorial nature shall be placed in the state house, state house annex, or on said grounds without the express consent of the governor and council. The governor and council shall locate and provide for the care of all flags, portraits, busts, monuments, etc., which now are, or may hereafter be, placed in the state house, state house annex, or on the grounds connected therewith or at the Hannah Dustin monument.



Amend section 16 of the new chapter by striking out the words "Franklin Pierce homestead, Daniel Webster birthplace"; so that said section as amended shall read as follows:

16. *Penalties.* If any person shall do any act to injure or deface the state house, state house annex, state library, Hannah Dustin monument or grounds connected with each, shall use them for any other purpose than that for which they are intended, or shall violate any of the rules and regulations established by the superintendent under the authority hereof, he shall be fined not more than twenty dollars.

The question being on the amendments sent down from the Honorable Senate.

Mr. Sanderson of Pittsfield moved that the House non concur, and a Committee of Conference be appointed.

On a *viva voce* vote the motion prevailed.

The Speaker appointed as members on such a committee on the part of the House, Messrs. Boynton of Hillsboro, Officer of Claremont and Osborne of Sunapee.

The message also announced that the Senate had passed bills with the following titles, in the passage of which it asked the concurrence of the House of Representatives:

Senate Bill No. 69, An act authorizing the sale of certain property of the state.

Senate Bill No. 70, An act relating to the trial of capital cases.

#### Senate Bill Read and Referred

Senate Bill No. 69, An act authorizing the sale of certain property of the state.

Read a first and second time, and referred to the Committee on Revision of the Statutes.

Senate Bill No. 70, An act relating to the trial of capital cases.

Read a first and second time and referred to the Committee on Judiciary.

### Personal Privilege

Mr. Hall of Langdon rose to a point of personal privilege, and addressed the House on his trip to Florida.

On motion of Mr. Fernald of Dover business in order at 3 o'clock was made in order at the present time.

### Third Readings

On motion of Mr. Fernald of Dover the rules were suspended, and the third readings of bills by their titles made in order.

House Bill No. 376, An act providing for improvements at Rye Harbor.

Read a third time and passed and sent to the Senate for concurrence.

Senate Bill No. 67, An act relating to trustees of Tilton School.

Senate Bill No. 68, An act to authorize the sale of property in Durham, New Hampshire, for the benefit of the University of New Hampshire.

Severally read a third time and passed and sent to the Secretary of State to be engrossed.

On motion of Mr. Prescott of Newton at 12:07 o'clock the House adjourned.

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SATURDAY, JUNE 3, 1939.

The House met at 10:00 o'clock.

The following letter was read by the Clerk:

Saturday, June 3, 1939.

Mr. George H. Nash,  
Concord, N. H.

DEAR SIR:

I shall be unable to attend the session on Saturday morning. Will you kindly preside for me and oblige.

Yours respectfully,

ANSEL N. SANBORN,  
*Speaker.*

There being no quorum present at 10:01 o'clock the House adjourned.

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TUESDAY, JUNE 6, 1939.

The House met according to adjournment.

Prayer was offered by the Chaplain.

#### Leaves of Absence

Mr. Shea of Manchester was granted leave of absence for the day on account of important business.

Mr. Willis of Gorham was granted leave of absence for the day on account of attending a funeral.

Mr. Knowlton of Manchester was granted leave of absence for the week on account of out of state business.

Mr. Michie of Deering was granted leave of absence for the week on account of important business.

#### Committee Reports

Mr. Carpenter of Wolfeboro, for the Committee on Fisheries and Game, to whom was referred House Bill No. 428, An act relating to fishing in Ferrin pond in

Weare, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Carpenter of Wolfeboro, for the Committee on Fisheries and Game, to whom was referred House Bill No. 427, An act relating to fly fishing, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Normandin of Laconia, for the Committee on Judiciary, to whom was referred Senate Bill No. 53, An act relative to Sunday work for employees engaged in the work of communications, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *One Day Rest in Seven.* Amend section 47 of chapter 176 of the Public Laws, as inserted by chapter 130 of the Laws of 1933, by inserting after paragraph VI of section 47 the following new paragraph: VIII. *Employees of telegraph and telephone offices.*

2. *Takes Effect.* This act shall take effect upon its passage.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mr. Normandin of Laconia, for the Committee on Judiciary, to whom was referred House Bill No. 275 (in new draft), An act relating to workmen's compensation, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend by striking out sections 7 and 8 and renumbering subsequent sections in their numerical sequence.

The report was accepted.

The question being on the amendment.

(Discussion ensued)

Mr. Estler of Claremont spoke for the amendment.

On a *viva voce* vote amendment was adopted, the bill ordered to a third reading.

Mr. Tozier of Exeter, for the Committee on Labor, to whom was referred Concurrent Resolution, A concurrent resolution relating to the granite industry of the state of New Hampshire, reported the same with the following amendment, and the recommendation that the concurrent resolution as amended ought to pass.

Amend concurrent resolution by striking out the second and third sentence of the preamble and inserting in place thereof the following:

*Whereas*, conditions of labor in the granite industry in general are at a very low point due to curtailment of granite used in both buildings and all construction, and

*Whereas*, Granite is one of the best substantial building materials and has always in the past been recognized as such,

Further amend said concurrent resolution by striking out the words "New Hampshire" in the first sentence so that said sentence as amended shall read as follows:

1. That it is the sense of this legislature that the use of granite in construction work and otherwise should be encouraged and promoted in every reasonable way.

The report was accepted, the amendment adopted, and the concurrent resolution ordered to a third reading.

Mr. Sanderson of Pittsfield, for the Committee on Appropriations, to whom was referred House Bill No. 315, An act to provide for additional facilities for the state hospital in accord with recommendations of the state planning and development commission, authorized by resolution of the legislature of 1937, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *Appropriations.* For the purpose of additional facilities at the state hospital in Concord there is hereby appropriated the sum of one million dollars for items as follows: (1) to cover the cost to change the electric system from D. C. to A. C. current, including wiring, motors and equipment; (2) power plant equipment; (3) pump and elevator for the Thayer building; (4) new steam main for the Walker building; (5) exhaust heaters for the Walker and Tobey buildings; (6) vacuum system for the Kent building; (7) laundry equipment; (8) renovation of water mains and hydrants; (9) the construction and equipment of a medical-surgical building or admission building; (10) the construction and equipment of two patients dormitories of one hundred beds each; (11) the purchase of land, to be located not more than three miles from the hospital grounds.

2. *Bonds or Notes Authorized.* To provide funds for the appropriation made by section 1 hereof the state treasurer is hereby authorized, under the direction of the governor and council, to borrow upon the credit of the state not exceeding the sum of one million



dollars and for that purpose may issue bonds or notes in the name and on behalf of the state of New Hampshire. The governor and council shall determine the form of such bonds or notes, their rate of interest, the dates when interest shall be paid, the dates of maturity, the places where principal and interest shall be paid and the time or times of issue. Such bonds or notes shall be signed by the treasurer and countersigned by the governor, and shall be deemed a pledge of the faith and credit of the state. The proceeds of the sale of such bonds or notes shall be held by the treasurer and paid out by him upon warrants drawn by the governor for the purposes of this act alone and the governor, with the advice and consent of the council, shall draw his warrants for the payment from the funds provided for herein of all sums expended or due for the purposes herein authorized. Such bonds or notes may be negotiated by the treasurer by direction of the governor and council as they may deem to be most advantageous to the state.

3. *Accounts.* The secretary of state shall keep an account of all such bonds or notes countersigned by the governor, showing the number and amount of each bond or note, the time of countersigning, the date of delivery to the treasurer and the date of maturity. The state treasurer shall keep an account of each bond or note showing the number thereof, the name of the person to whom sold, the amount received for the same, the date of the sale and the date of maturity.

4. *Short Term Notes.* Prior to the issuance of the bonds or notes hereunder the treasurer, under the direction of the governor and council, may for the purposes hereof borrow money from time to time on short term loans to be refunded by the issuance of the bonds or notes hereunder, provided, however that at no one time shall the indebtedness of the state on

such short term loans exceed the sum of one million dollars.

5. *Federal Assistance.* The governor and council are hereby authorized to co-operate with and enter into such agreements with the federal government, or any agency thereof, as they may deem advisable to secure federal funds for the purposes hereof. In case such federal funds are made available for the purposes hereof said funds shall not be in addition to the amount appropriated by the state hereunder but the total amount of federal and state funds to be expended for the purposes hereof shall not exceed the sum of one million dollars.

6. *Takes Effect.* This act shall take effect upon its passage.

The report was accepted.

The reading of the amendment having commenced, Mr. Sanderson of Pittsfield moved that further reading of the amendment be dispensed with.

The question being on the motion of Mr. Sanderson.

(Discussion ensued)

Mr. Sanderson of Pittsfield spoke in favor of the motion.

On a *viva voce* vote further reading of the amendment was dispensed with.

The question being on the amendment.

On a *viva voce* vote the amendment was adopted.

Mr. Sanderson of Pittsfield offered the following amendment.

Amend said bill by striking out the title and inserting in place thereof the following:

An act to provide for additional facilities for the state hospital.

On a *viva voce* vote the amendment was adopted, the bill ordered to a third reading.

Mr. Sanderson of Pittsfield, for the Joint Committee consisting of the Judiciary Committee and the Appropriations Committee, to whom was referred Senate Bill No. 64, An act establishing the state development and publicity department, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted.

Mr. Callahan of Keene moved to substitute the words "ought to pass" for the words "inexpedient to legislate."

The question being on the motion to substitute.

(Discussion ensued)

Mr. Smith of Seabrook spoke in favor of the motion. Messrs. Etsler of Claremont, Boynton of Hillsboro and Sanderson of Pittsfield spoke against the motion.

Mr. Elkins of Concord moved the previous question.

The question being,

Shall the main question now be put?

On a *viva voce* vote the previous question was ordered.

The question being on the motion to substitute the words "ought to pass" for the words "inexpedient to legislate."

Mr. Wilcox of Nashua demanded the yeas and nays and the roll was called with the following result.

### Yeas, 47

ROCKINGHAM COUNTY: Corson, Fecteau, Thompson of Exeter, Fransoso, Peever, Smith of Seabrook.

STRAFFORD COUNTY: Loughlin, Lucas.

BELKNAP COUNTY: Ballou, Simpson of Laconia, Morse.

CARROLL COUNTY: Fernald of Jackson, and Dort of Keene.

HILLSBOROUGH COUNTY: Kimball, Barry of Manchester Ward 3, Duffley, Frain, Betley, Barry of Manchester Ward 6, Sullivan of Manchester, Boisvert of Manchester, Caron of Manchester Ward 10, Head, Mullen, Thibodeau, Whitaker, Sullivan, Thomas F. of Nashua, Sullivan, Timothy J. of Nashua, Fournier, St. Francois, Shea of Nashua, Lougee, Cormier, Grandmaison, Joyce, Wilcox.

CHESHIRE COUNTY: Callahan, Lane.

SULLIVAN COUNTY: Donovan, Maley, Davison.

GRAFTON COUNTY: Tyler, Santy, Taylor.

COOS COUNTY: Paine, Converse of Pittsburg, Phelan, Noyes of Stewartstown.

### Nays, 323

ROCKINGHAM COUNTY: Stowe, Havican, Persson, Goodrich, Rand, Grinnell, Hepworth, Avery of East Kingston, Bourn, Pennell, Tozier, Beede, Miller of Greenland, Emerson of Hampstead, Adams of Hampton, Creighton, Keay, Nesmith, Smith of Newfields, Hoyt of Newington, Willey, Prescott, Knowles, Rowell of Northwood, Palmer of Plaistow, Reinhart, Foote, Gray, Marston, Yeaton, Canty, Cogan, Palfrey, Burkhardt, Liberson, Quimby, Tucker, Jewell of Stratham, Butterfield.

STRAFFORD COUNTY: Hayes of Dover, Sherry, Cronin, King, Ouellette, Fernald of Dover, Garland, Brown of Dover, Pilgrim, Durnin, Smart, Blanchard, Hale, Plummer, Pray, Conrad, Emerson of Rochester, Beaudoin, Potvin, Studley, Greenfield, Seavey, Nutter, Habel, Boucher, Hebert, Dubois, Berry.

BELKNAP COUNTY: Rollins, Hier, Adams of Belmont, Lord, Price, O'Shan, Tarlson, Guay, Normandin, Tilton Ward 3, Laconia, Roucher, Tilton Ward 4, Laconia, Rivers, Greene, Brown of Meredith, Smith of New Hampton, Goodwin of Tilton.

CARROLL COUNTY: Simpson of Bartlett, Downs, Mudgett, Russell of Conway, Gale, Nickerson, Banfield, Merrow, Knox, Vittum, Young of Tuftonboro, Carpenter.

MERRIMACK COUNTY: MacPhee, Nichols, Woodbury of Bow, Trow, Morrill, Sanborn of Chichester, Coakley, Dunlap, Kemp, Baker, Elkins, Hancock, Conlon, Nash, Osborne of Concord, Saltmarsh, Sturtevant, Tilton of Concord, Bunten, Freeman, George, Maxham, Hoyt of Concord, Collins of Danbury, Milburn, Yeaton of Epsom, Maxfield, Carignan, Lemire, Dempsey, Shaw, Burnham, DuDevoir, Nelson of Hopkinton, Cheney, Swift, Batchelder of Northfield, Boisvert of Pembroke, Dupont, Perkins, Sanderson, Clark of Salisbury, Anderson, Cloues, Stuart.

HILLSBOROUGH COUNTY: Bills, Graham, Wiggin, Pierce, Powers, Clark of Francestown, Brown of Goffstown, Hambleton, Pattee, Tuttle, Boynton, Gay, Wilson, Smith of Hudson, Reid, Bergholtz, Chase, Daniels, Barnard, Gage, Johnson, Woodbury of Manchester, Ward 2, Dwyer, Talty, Woodbury of Manchester, Ward 3, McGowan, O'Neil, Dulac, O'Brien, Booth, Benoit of Manchester, Ward 7, Gagnon of Manchester, Gaumont, Jean, Poirier, Turcotte, Benoit of Manchester, Ward 8, Bouthiette, Brousseau, Constant, Donnelly, Gelinas, Kane, Wedick, Driscoll, Brown of Manchester, Roukey, Aubin, Caron of Manchester, Ward 12, Letendre, Soucy, Duval, Ladouceur, Rousseau, Emerson of Milford, Wadleigh, Erlando, Atherton, Cooper, Underhill, Woodbury of Nashua, Duclos, Griswold, Goulet, Trombley, Berube, Marquis, Moussette, Goyette, Ledoux, Senechal, Shedd, Thompson of New Ipswich, Jones, Bass, Myhaver, Dugan.

CHESHIRE COUNTY: Moore, Winslow, Thomas, Miller of Fitzwilliam, Hanson, Robertson, Duncan,

Sawyer of Jaffrey, Batchelor, Knowlton of Keene, Frissell, Martin, Dort, Gates, Ellery, Lichman, Duffy, Tarbox, Phelps, Bullock, Rice, Perry, Wheeler, Smith of Troy, Relihan, Britton, Ingham, Nelson of Winchester.

SULLIVAN COUNTY: Hutchins of Charlestown, Babcock, Converse of Claremont, Etsler, Holt, Howe, Hutchins of Claremont, Officer, Putnam, Russell of Claremont, Warner, Witherill, Barton, Hastings, Hall, Kempton, Rowell of Newport, Whitney, Osborne of Sunapee, Callum.

GRAFTON COUNTY: Bailey of Bath, Noyes of Bethlehem, Coolidge, Pulsifer, Campbell, Ashley, Walbridge, Hodge, Leonard Batchelder of Hanover, Tuxbury, Craig, Dean, Strobridge, Marden, Cannell, Dow, French, Howard, Hoyt of Lebanon, Legassie, Collins of Lisbon, Hamilton, Bowker, Hilderbrand, Whitcomb, Bailey of Lyme, Lufkin, Bell, Merrill of Plymouth, Dreghorn.

COOS COUNTY: Barden, Hinchey, Mason, Smith of Berlin, Ward 1, Montminy, Palmer of Berlin, Smith of Berlin, Ward 2, Trottier, Bisson, Christiansen, Ramsey, Bixby, Gagnon of Berlin, Laforce, Congdon, Kelsea, Jackson, Emerson of Dalton, Stiles, Keough, Hartford, Peabody, Rowden, Boothman, Hinman, McIntyre.

Mr. Shea of Manchester voting Yes, paired with Mr. Sawyer of Woodstock voting No.

And the motion to substitute the words "ought to pass" for the words "inexpedient to legislate" did not prevail.

The question being on the resolution of the committee, inexpedient to legislate.

On a *viva voce* vote the resolution of the committee was adopted.



Mr. Underhill of Nashua for the Committee on Liquor Laws, to whom was referred Senate Bill No. 60, An act relating to the manufacture and sale of certain alcoholic beverages, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend said bill by striking out section 2 and inserting in place thereof the following:

2. *Manufacturer's Permit.* Amend section 22 of chapter 99 of the laws of 1933 as inserted by chapter 134 of the laws of 1939 by striking out said section and inserting in place thereof the following: 22. *Manufacturer's Fees.* In addition to the fees provided for in section 21 the following additional fees shall be required for permits issued to any manufacturer. For each manufacturer's permit three dollars for every barrel of beverages containing not more than 31 gallons or the equivalent thereof sold by said permittee to retail permittees, during the preceding calendar month, to be paid to the commission on or before the tenth day of the following month. In addition to the foregoing fees, the following additional fees shall be required for permits issued to any manufacturer holding an off-sale permit. For each manufacturer's permit three dollars for every barrel of beverages containing not more than 31 gallons or the equivalent thereof sold by said permittee at retail and not to other permittees for resale, during the preceding calendar month to be paid to the commission on or before the tenth day of the following month. For failure to pay any part of the fees provided for herein when due ten per cent thereof shall be added and collected by the commission from the manufacturer and shall become part of said permit fee.

3. *Takes Effect.* This act shall take effect upon its passage except that section 2 hereof shall take effect as of July 1, 1939.

The undersigned, a minority of the Committee on Liquor Laws, to whom was referred Senate Bill No. 60, An act relating to the manufacture and sale of certain alcoholic beverages, and being unable to agree with the majority, reported the same with the following resolution:

*Resolved,* That it is inexpedient to legislate.

MICHAEL J. DWYER,  
JOSEPH O. GELINAS,  
ESTHER C. BIXBY,  
LEON E. KEMPTON,  
JOHN C. TILTON,  
HARRY C. LICHMAN,  
FRED M. ANDERSON,  
EDMOND G. HEBERT,

*A Minority of the Committee.*

The reports were accepted.

Mr. Gelinas of Manchester moved to substitute the report of the minority "inexpedient to legislate" for that of the majority "ought to pass with amendment."

The question being on the motion to substitute.

(Discussion ensued)

Messrs. Gelinas of Manchester, Cannell of Lebanon, Greene of Laconia, Clark of Salisbury, Kempton of Newport, Etsler of Claremont and Sherry of Dover, and Mrs. Bixby of Berlin spoke in favor of the motion.

Messrs. Hancock of Concord, Converse of Claremont, Foote of Portsmouth, Coakley of Concord, and Tilton of Ward 4, Laconia and Mrs. Christiansen of Berlin spoke against the motion.

Mr. Conlon of Concord moved the previous question.  
The question being,  
Shall the main question now be put?

On a *viva voce* vote the previous question was ordered.

The question being on the motion to substitute the report of the minority for that of the majority.

Mr. Hancock of Concord called for a division.

A division being had 133 members voted in the affirmative and 201 members voted in the negative and the motion to substitute the report of the minority "inexpedient to legislate" for the report of the majority "ought to pass with amendment" did not prevail.

Mr. Gelinas of Manchester demanded a roll call, but subsequently withdrew his demand.

Mr. Fernald of Dover demanded a roll call, but subsequently withdrew his demand.

The question being on the amendment reported by the committee.

(Discussion ensued)

Mr. Hancock of Concord spoke for the amendment.

On a *viva voce* vote the amendment was adopted.

The question being,

Shall the bill be read a third time?

Mrs. Bixby of Berlin demanded the yeas and nays, and the roll was called with the following result.

### Yeas, 210

ROCKINGHAM COUNTY: Stowe, Havican, Persson. Rand, Corson, Grinnell, Hepworth, Bourn, Thompson of Exeter, Miller of Greenland, Adams of Hampton. Keay, Hoyt of Newington, Labranche, Willey, Knowles, Rowell of Northwood, Palmer of Plaistow, Fransoso, Reinhart, Foote, Gray, Marston, Yeaton, Cauty, Cogan, Palfrey, Burkhardt, Liberson, Tucker, Jewell of Stratham, Butterfield.

STRAFFORD COUNTY: Hayes of Dover, Loughlin, Sherry, Cronin, King, Ouellette, Garland, Brown of Dover, Lucas, Pilgrim, Durnin, Smart, Blanchard, Hale, Plummer, Pray, Conrad, Emerson of Rochester, Beaudoin, Potvin, Studley, Nutter, Berry.

BELKNAP COUNTY: Lord, Price, Tarlson, Normandin, Tilton, Ward 3, Laconia, Roucher, Tilton, Ward 4, Laconia, Brown of Meredith, Neal, Smith of New Hampton.

CARROLL COUNTY: Simpson of Bartlett, Downs, Mudgett, Fernald of Jackson, Banfield, Merrow, Young of Tuftonboro, Carpenter.

MERRIMACK COUNTY: Nichols, Morrill, Coakley, Dunlap, Kemp, Hancock, Conlon, Saltmarsh, Sturtevant, Bunten, Freeman, Hoyt of Concord, Collins of Danbury, Milburn, Yeaton of Epsom, Carignan, Lemire, Dempsey, Nelson of Hopkinton, Cheney, Swift, Boisvert of Pembroke, Dupont, Clark of Salisbury, Cloues, Stuart.

HILLSBOROUGH COUNTY: Wiggin, Clark of Frances-town, Pattee, Gay, Chase, Daniels, Barnard, Johnson, Duffley, Benoit of Manchester, Ward 7, Benoit of Manchester, Ward 8, Brousseau, Constant, Donnelly, Kane, Driscoll, Brown of Manchester, Caron of Manchester, Ward 10, Head, Mullen, Roukey, Aubin, Caron of Manchester, Ward 12, Duval, Ladouceur, Whitaker, Erlando, Atherton, Cooper, Underhill. Woodbury of Nashua, Duclos, Griswold, Trombley, Sullivan, Timothy J. of Nashua, Berube, Marquis, Moussette, Shea of Nashua, Goyette, Ledoux, Lougee, Cormier, Grandmaison, Joyce, Wilcox, Shedd, Jones, Myhaver, Dugan.

CHESHIRE COUNTY: Moore, Winslow, Miller of Fitzwilliam, Hanson, Robertson, Sawyer of Jaffrey, Batchelor, Callahan, Frissell, Martin, Dort, Gates,

Ellery, Tarbox, Phelps, Lane, Perry, Chickering, Relihan, Britton, Ingham.

SULLIVAN COUNTY: Howe, Hutchins of Claremont, Russell of Claremont, Barton, Maley, Callum, Davison.

GRAFTON COUNTY: Noyes of Bethlehem, Walbridge, Hodge, Leonard, Batchelder of Hanover, Strobridge, Marden, Legassie, Bowker, Hilderbrand, Whitcomb.

COOS COUNTY: Barden, Hinchey, Montminy, Palmer of Berlin, Smith of Berlin, Ward 2, Trottier, Christiansen, Ramsey, Laforce, Congdon, Kelsea, Jackson, Emerson of Dalton, Keough, Peabody, Rowden, Converse of Pittsburg, Boothman, Phelan, Noyes of Stewartstown, Hinman.

### Nays, 158

ROCKINGHAM COUNTY: Goodrich, Avery of East Kingston, Pennell, Tozier, Beede, Emerson of Hampstead, Creighton, Nesmith, Smith of Newfields, Prescott, Quimby, Smith of Seabrook.

STRAFFORD COUNTY: Fernald of Dover, Greenfield, Seavey, Habel, Boucher, Hebert, Dubois.

BELKNAP COUNTY: Hier, Adams of Belmont, O'Shan, Guay, Rivers, Greene, Simpson of Laconia, Morse, Goodwin of Tilton.

CARROLL COUNTY: Russell of Conway, Gale, Nickerson, Knox, Vittum.

MERRIMACK COUNTY: MacPhee, Woodbury of Bow, Trow, Sanborn of Chichester, Elkins, Nash, Osborne of Concord, Tilton of Concord, George, Maxham, Maxfield, Shaw, Burnham, DeDevoir, Batchelder of Northfield, Perkins, Sanderson, Anderson.

HILLSBOROUGH COUNTY: Bills, Graham, Powers, Brown of Goffstown, Hambleton, Tuttle, Boynton, Wilson, Smith of Hudson, Reid, Berholtz, Gage, Kimball, Woodbury of Manchester, Ward 2, Barry of Manchester, Ward 3, Dwyer, Talty, Woodbury of

Manchester, Ward 3, Frain, McGowan, O'Neil, Betley, Dulac, O'Brien, Barry of Manchester, Ward 6, Booth, Connolly, Sullivan of Manchester, Gagnon of Manchester, Poirier, Turcotte, Bouthiette, Gelinas, Wedick, Gilmartin, Letendre, Soucy, Gauthier, Thibodeau, Carter, Emerson of Milford, Wadleigh, Goulet, Fournier, St. Francois, Senechal, Thompson of New Ipswich, Bass, Peaslee.

CHESHIRE COUNTY: Thomas, Duncan, Knowlton of Keene, Lichman, Duffy, Bullock, Rice, Wheeler, Smith of Troy, Nelson of Winchester.

SULLIVAN COUNTY: Hutchins of Charlestown, Babcock, Converse of Claremont, Etsler, Holt, Officer, Putnam, Warner Witherill, Hastings, Hall, Donovan, Kempton, Rowell of Newport, Whitney, Osborne of Sunapee.

GRAFTON COUNTY: Bailey of Bath, Tyler, Coolidge, Pulsifer, Campbell, Ashley, Tuxbury, Craig, Dean, Cannell, Dow, French, Howard, Hoyt of Lebanon, Collins of Lisbon, Hamilton, Santy, Bailey of Lyme, Lufkin, Bell, Merrill of Plymouth, Taylor, Dreghorn.

COOS COUNTY: Mason, Paine, Smith of Berlin, Ward 1, Bisson, Bixby, Gagnon of Berlin, Stiles, Hartford, McIntyre.

Mr. Fecteau of Epping voting Yes, paired with Mr. Jean of Manchester voting No.

And the bill was ordered to a third reading.

### Committee of Conference

The Committee of Conference, to whom was referred House Joint Resolution No. 26, Joint resolution for a memorial work commemorating the sesquicentennial of the federal constitution, reported the same with the recommendation that the Senate recede from its position in adopting its amendments, and that the House recede from its position of non-concurrence, and that the following amendments be adopted:



Amend said resolution by striking out all after the resolving clause and inserting in place thereof the following:

That the sum of two thousand dollars (\$2,000) be and hereby is appropriated for the compilation and publication of a memorial work commemorating New Hampshire's part in the federal constitution and its sesquicentennial celebration. Said sum shall be expended under the direction of the governor and council; provided that said publication shall include a reprint of the first one hundred and twenty pages of "History of New Hampshire Convention" by Joseph B. Walker, published in 1888. All copies of the work to be published hereunder shall be sold for such sums as the governor and council shall determine and all receipts from said sale shall be turned into the general funds of the state; provided, however, that one copy of the work shall be sent free of charge by the Secretary of State to each free public library established under the laws of the state of New Hampshire. The governor is hereby authorized to draw his warrant for the sum hereby appropriated out of any money in the treasury not otherwise appropriated.

CLARENCE J. AVERY,  
A. RALPH ESTABROOK,

*Conferees on the part of the Senate.*

GEORGE W. BOYNTON,  
CLIFTON R. HAYES,  
ROBERT H. SANDERSON,

*Conferees on the part of the House.*

On motion of Mr. Sanderson of Pittsfield the report was adopted.

#### Message from the Senate

A message from the Honorable Senate by its Clerk announced that the Senate had voted to concur with

the House of Representatives in the passage of the following entitled bills, sent up from the House of Representatives:

House Bill No. 193, An act relative to taking fish.

House Bill No. 375, An act relating to Federal aid for wildlife restoration projects.

House Bill No. 416, An act to protect the golden and bald eagle.

House Bill No. 429, An act relating to forest fires.

The message further announced that the Senate had voted to concur with the House of Representatives in its amendments to the following entitled bill:

Senate Bill No. 49, An act relating to Oliverian brook in Benton and Warren and Three pond brook in Rumney.

The message also announced that the Senate had voted to adopt the report of the Committee of Conference on House Bill No. 203, An act relating to the taking of raccoon.

### Resolution

Mr. Lichman of Keene offered the following resolution:

*Whereas*, this House has learned with deep regret of the death of Herman J. Holdredge of Keene, father-in-law in Cowling Hilton, present attache and former member of the House.

*Therefore*, Be it resolved that a committee of five be appointed to draw up suitable resolutions.

The resolution was unanimously adopted by a rising vote.

The Speaker appointed as members on such committee Messrs. Lichman, Batchelor, Callahan, Duffy and Dort of Keene.

**Unfinished Business**

Mr. Dreghorn of Warren called for the unfinished business.

House Bill No. 426, An act authorizing the state of New Hampshire to take over the Warren-Woodstock road in the towns of Warren and Woodstock for the purpose of maintenance.

The question being on the motion to substitute the words "ought to pass" for those of "inexpedient to legislate."

(Discussion ensued)

Messrs Dreghorn of Warren and Emerson of Milford spoke in favor of the motion.

Mr. Erlando of Mont Vernon moved that the bill be indefinitely postponed.

The question being on the motion to indefinitely postpone.

(Discussion ensued)

Mr. Erlando of Mont Vernon spoke in favor of the motion.

Mr. Noyes of Bethlehem spoke against the motion.

Mr. Palmer of Plaistow moved the previous question.

The question being,

Shall the main question now be put?

On a *viva voce* vote the previous question was ordered. The question being on the motion to indefinitely postpone.

On a *viva voce* vote the Chair was in doubt.

Mr. Baker of Concord called for a division.

A division being had 182 members voted in the affirmative and 157 members voted in the negative and the motion to indefinitely postpone prevailed.

Mr. Dort of Keene called for the unfinished business.

House Bill No. 354, An act in amendment for the charter of the city of Keene.

The question being,

Shall the bill be indefinitely postponed?

(Discussion ensued)

Mr. Batchelder of Keene offered the following resolution:

*Resolved*, That debate on this question be limited to five minutes per speaker.

The question being on the resolution.

Mr. Callahan of Keene moved that the bill be laid upon the table and made a special order for Thursday, June 8, at 11:01 o'clock.

The question being on the motion of Mr. Callahan.

(Discussion ensued)

Mr. Ellery of Keene spoke against the motion.

On a *viva voce* vote the negative appeared to prevail.

Mr. Callahan of Keene called for a division.

A division being had 141 members voted in the affirmative and 173 members voted in the negative and the motion to lay upon the table and make a special order for Thursday, June 8, at 11:01 o'clock did not prevail.

The question being on the resolution offered by Mr. Lichman.

On a *viva voce* vote the resolution was adopted.

The question being on the motion to indefinitely postpone.

(Discussion ensued)

Messrs. Callahan and Frissell of Keene spoke in favor of the motion.

Messrs. Lichman, Ellery, Batchelder, Martin, and Dort of Keene spoke against the motion.

Mr. Elkins of Concord moved the previous question.

The question being,

Shall the main question now be put?

On a *viva voce* vote the previous question was ordered. The question being on the motion to indefinitely postpone.

Mr. Callahan of Keene called for a division.

A division being had 86 members voted in the affirmative and 227 members voted in the negative and the motion to indefinitely postpone did not prevail.

The question being, Shall the bill pass?

On a *viva voce* vote the bill passed and was sent to the Senate for concurrence.

On motion of Mr. Fernald of Dover the House adjourned from the morning session.

The House was immediately called to order in afternoon session.

### Afternoon

#### Third Readings

On motion of Mr. Fernald of Dover the rules were suspended and the third readings of bills by their titles made in order.

House Bill No. 428, An act relating to fishing in Ferrin pond in Weare.

House Bill No. 427, An act relating to fly fishing.

House Bill No. 315, An act to provide for additional facilities for the state.

House Bill No. 275, (In New Draft), An act relating to workmen's compensation.

Severally read a third time and passed and sent to the Senate for concurrence.

Mr. Poirier of Manchester gave notice that on today or some subsequent day he would move to reconsider

the vote whereby the House passed House Bill No. 275, (In New Draft), An act relating to workmen's compensation.

Mr. Waldleigh of Milford moved that the House reconsider the vote on House Bill No. 275, (In New Draft), An act relating to workmen's compensation. at the present time.

On a *viva voce* vote the motion to reconsider did not prevail.

Senate Bill No. 53, An act relative to Sunday work for employees engaged in the work of communications.

Senate Bill No. 60, An act relating to the manufacture and sale of certain alcoholic beverages.

Severally read a third time and passed and sent to the Senate for concurrence in the amendments.

Mr. Normandin of Laconia gave notice that on today or some subsequent day he would move to reconsider the vote whereby the House passed Senate Bill No. 60, An act relating to the manufacture and sale of certain alcoholic beverages.

Mr. Foote of Portsmouth moved that the House reconsider its vote on Senate Bill No. 60, An act relating to the manufacture and sale of certain alcoholic beverages at the present time.

On a *viva voce* vote the motion to reconsider did not prevail.

Concurrent Resolution relating to the granite industry of the state of New Hampshire.

Read a third time and passed and sent to the Senate for concurrence in the amendment.

On motion of Mr. Baker of Concord at 3:09 o'clock the House adjourned.



WEDNESDAY, JUNE 7, 1939.

The House met at 11:00 o'clock.

Prayer was offered by the Chaplain.

Mrs. Maley, wife of Representative Maley of Newport, rendered vocal selections.

### Leaves of Absence

Messrs. Atherton of Nashua, Clarke of Salisbury, and Tuttle of Hancock were granted leaves of absence for the day on account of important business.

Mr. Britton of Westmoreland was granted leave of absence for the remainder of the week on account of town business.

### Committee Reports

Mrs. Batchelder of Hanover, for the Committee on Engrossed Bills, reported that the committee had examined and found correctly engrossed the following entitled bills:

Senate Bill No. 61, An act relative to the use of highways by bicycle riders and others.

Senate Bill No. 67, An act relating to the trustees of Tilton School.

House Bill No. 193, An act relative to taking fish.

House Bill No. 373, An act relating to commitment to the state hospital.

House Bill No. 375, An act relating to federal aid for wildlife restoration projects.

House Bill No. 425, An act validating proceedings of the annual meeting of the Conway Village Fire District.

House Bill No. 429, An act relating to forest fires.

House Bill No. 398, An act to eliminate the direct

state tax on real property by means of a tax on tobacco products.

The report was accepted.

Mrs. Bixby of Berlin, for the Committee on Liquor Laws, to whom was referred House Bill No. 71, An act relating to the sale of beverages upon a cash basis, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Baker of Concord, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 436, An act relating to the acquisition of certain land in the town of Moultonborough, with the recommendation that the bill be referred to the Committee on Public Improvements.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Public Improvements.

Mr. Osborne of Sunapee, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 437, An act relative to examinations for the practice of optometry, with the recommendation that the bill be referred to the Committee on Revision of the Statutes.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Revision of the Statutes.

Mr. Sanderson of Pittsfield, for the Committee on Appropriations, to whom was referred House Bill No. 379, An act providing for a division of municipal accounting within the state tax commission, reported the same with the following amendments, and the recommendation that the bill as amended ought to pass.

Amend said bill by inserting after section 3 the following new section:

4. *Appropriation.* The sum of forty-five hundred dollars (\$4,500) is hereby appropriated for each of the fiscal years ending June 30, 1940 and June 30, 1941, to carry out the provisions of this act.

Further amend by renumbering section 4, section 5.

The report was accepted, the amendments adopted, and the bill ordered to a third reading.

On motion of Mr. Barnard of Manchester, the rules were suspended to allow for the presentation of a committee report which had not previously been advertised in the Journal.

Mr. Barnard of Manchester, for the Committee on Revision of the Statutes, to whom was referred Senate Bill No. 69, An act authorizing the sale of certain property of the state, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

On motion of Mr. Conlon of Concord the rules were suspended to allow for the presentation of a committee report which had not previously been advertised in the Journal.

Mr. Conlon of Concord, for the Committee on Liquor Laws, to whom was referred Senate Bill No. 47, An act relating to the biennial referendum on the sale of liquor and beverages, reported the same with the following resolution:

*Resolved,* That it is inexpedient to legislate.

We the undersigned, a minority of the Committee on Liquor Laws, to whom was referred Senate Bill No. 47, An act relating to the biennial referendum on the sale of liquor and beverages, and being unable to agree

with the majority, reported the same with the recommendation that the bill ought to pass.

JOSEPH O. GELINAS,  
ESTHER C. BIXBY,  
MICHAEL J. DWYER,  
EDMUND G. HEBERT,  
HARRY H. FOOTE,  
FRANK E. KNOWLES,  
LEON E. KEMPTON,

*A minority of the Committee.*

Mr. St. Francois of Nashua moved that the bill and accompanying reports be laid upon the table and made a special order for Tuesday, June 13, at 11:00 o'clock.

The question being on the motion of Mr. St. Francois.

(Discussion ensued)

Mr. Gelinas of Manchester spoke in favor of the motion.

Messrs. Coakley of Concord and Emerson of Milford spoke against the motion.

On a *viva voce* vote the motion did not prevail.

(Mr. Baker of Concord in the Chair)

The question being on the resolution reported by the committee that it is inexpedient to legislate.

On a *viva voce* vote the resolution of the committee was adopted.

Mr. St. Francois of Nashua called for a division.

A division being had 257 members voted in the affirmative and 2 members voted in the negative and the resolution of the committee was adopted.

Mrs. Mason of Berlin, for the Special Committee consisting of the delegation from the county of Coos, to whom was referred House Bill No. 434, An act relative to the powers of the fiscal agent of Coos county,

reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend said bill by adding after the word "therefor" in line eight the words, "but the powers of the fiscal agent shall not extend to expenditures now subject to the approval of the Superior Court," so that said section as amended shall read as follows:

1. *Coos County.* Amend chapter 91 of the laws of 1939 by inserting after section 2, the following new section: 2-a. *Powers.* During the time this act is in force the fiscal agent shall have all the powers of the county commissioners of Coos County, and he, with the approval of the Superior Court, or any Justice thereof in vacation, may borrow such sum as shall be deemed necessary for the purpose of refunding existing notes of the county and for the further purpose of meeting the demands upon the treasury, and give the note of the county therefor, but the powers of the fiscal agent shall not extend to expenditures now subject to the approval of the Superior Court. If the sum borrowed under the provisions hereof, together with the taxes of the same fiscal year that have been collected, shall exceed in amount the total appropriations made for that year by the County Convention, plus ten per cent of said appropriations, the approval of the County Convention for such excess borrowed must be secured by the fiscal agent in addition to the approval of Court as herein provided. Notes issued under the order of the fiscal agent shall be signed by him. It shall be the duty of the treasurer to countersign said notes. The Clerk of the Court shall attest and record such notes and the order authorizing their issue and the borrowing of such money.

The report was accepted.

The reading of the amendment having commenced Mr. Keough of Gorham moved that further reading of the amendment be dispensed with.

The question being on the motion of Mr. Keough.

(Discussion ensued)

Mr. Keough of Gorham spoke in favor of the motion.

On a *viva voce* vote the further reading of the amendment was dispensed with.

The question being on the amendment reported by the committee.

On a *viva voce* vote the amendment was adopted and the bill ordered to a third reading.

(The Speaker in the Chair)

Mr. Osborne of Sunapee moved that the rules of the House be suspended and that the bill be made in order for a third reading and final passage at the present time, by title.

The question being on the motion of Mr. Osborne.

(Discussion ensued)

Mr. Osborne of Sunapee spoke in favor of the motion.

On a *viva voce* vote the motion prevailed.

The bill was then read a third time and passed and sent to the Senate for concurrence.

### Message From the Senate

A message from the Honorable Senate by its Clerk announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bill, sent up from the House of Representatives:

House Bill No. 398, An act to eliminate the direct state tax on real property by means of a tax on tobacco products.



The message further announced that the Senate had voted to adopt the report of the Committee of Conference on House Joint Resolution No. 26, Joint resolution for a memorial work commemorating the sesquicentennial of the federal constitution.

The message further announced that the Senate refused to concur with the House of Representatives in the passage of the following entitled bills, sent up from the House of Representatives:

House Bill No. 198, An act to provide for a revision of the Public Laws.

House Bill No. 267, An act to prohibit liquor advertising in state stores.

The message further announced that the Senate had voted to adopt the amendments offered by the Committee on Engrossed Bills, to the following house bills, in the adoption of which amendments the Senate asked the concurrence of the House of Representatives:

House Bill No. 62, An act relating to trust companies and other financial institutions.

Amend section 1 of said bill by striking out the first five lines thereof and inserting in place thereof the following:

1. *Trust Companies; Powers.* Amend section 21, chapter 265, Public Laws, as amended by section 13, chapter 103, Laws of 1937, by striking out all of said section after the word "security" in the thirteenth line and inserting in place

Further amend said section 1 of said bill by striking out the word "the" at the end of the fifteenth line.

Further amend said section 1 of said bill by inserting before the word "fiduciary" the word, any.

On motion of Mr. Sanderson of Pittsfield the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 424, An act relating to banking.

Amend section 2 of said bill by striking out the word "therefrom" in the second line.

Amend section 2-a of said bill by striking out the first two words, namely "city treasurers" and inserting in place thereof the words, The city treasurer.

Amend section 3 of said bill by striking out the word "session" in the third line; further amend said section by striking out the word "the" in the eighth line and inserting in place thereof the word, this.

On motion of Mr. Baker of Concord the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

The message further announced that the Senate had concurred with the House of Representatives in the passage of the following joint resolutions, with amendments, in the passage of which amendments the Senate asked the concurrence of the House of Representatives:

House Joint Resolution No. 73, Joint resolution providing special emergency appropriations for forest fire protection.

Amend said resolution by striking out the figure "\$50,000" and the word "fifty thousand dollars" in the fourth and fifth lines and inserting in place thereof the words and figure, twenty thousand dollars \$20,000; by striking out the words and figure "fifty thousand dollars \$50,000" in the seventh and eighth lines and inserting in place thereof the words and figure eighty thousand dollars \$80,000; and by inserting after the word "needed" in the fifteenth line the words; The additional sum of eight thousand dollars (\$8,000) is

hereby appropriated and made available for the period from July 1, 1939, to January 1, 1940, to be expended by the forestry and recreation department, with the approval of the governor and council, for continuing the emergency timber salvage advisory work in the public interest, so that said resolution as amended shall read as follows:

That the sum of one hundred thousand dollars (\$100,000) is hereby appropriated and made available for the period from the date of the passage hereof until June 30, 1941, said sum to be expended by the forestry and recreation department, with the approval of the governor and council, (1) twenty thousand dollars (\$20,000) for the state's portion of expenses of fighting forest and brush fires as provided by sections 23 and 26 of chapter 191 of the Public Laws, as amended by chapter 133, Laws of 1929, and (2) eighty thousand dollars (\$80,000) to provide additional administrative assistance, patrol by the state and in co-operation with the towns and other agencies, services of fire wardens on inspection and other preventive work, fire plans, maps and materials for educational programs, operation and maintenance of extra fire lookout stations and telephone lines, aid to towns in securing adequate tool supplies for fire fighting purposes, state power pumps and hose for use of groups of towns, trucks fully equipped for general emergency calls and such other materials, supplies, equipment and services as may be needed. The additional sum of eight thousand dollars (\$8,000) is hereby appropriated and made available for the period from July 1, 1939, to January 1, 1940, to be expended by the forestry and recreation department, with the approval of the governor and council, for continuing the emergency timber salvage advisory work in the public interest.

Mr. Sanderson of Pittsfield moved that the House non concur and that a Committee of Conference be appointed.

The question being on the motion of Mr. Sanderson.

(Discussion ensued)

Mr. Emerson of Milford spoke against the motion.

Mr. Emerson of Milford moved that the House concur.

Messrs. Wadleigh of Milford, Hayes of Dover, Palmer of Plaistow, and Russell of Conway spoke in favor of the motion.

Messrs. Seavey of Rochester, O'Shan of Laconia and Sanderson of Pittsfield spoke against the motion.

Mr. Hamilton of Lisbon moved the previous question.

The question being,

Shall the main question now be put?

On a *viva voce* vote the previous question was ordered.

The question being on the motion to concur.

On a *viva voce* vote the motion to concur did not prevail.

The question being on the motion to non-concur and that a Committee of Conference be appointed.

On a *viva voce* vote the motion prevailed and the Speaker appointed as members on such committee on part of the House, Messrs. Boynton of Hillsboro, Emerson of Hampstead, and Merrill of Plymouth.

The message further announced that the Senate had passed the following joint resolutions, in the passage of which it asks the concurrence of the House of Representatives:

Senate Joint Resolution No. 8, Joint resolution in favor of Charles Hashim.

**Senate Joint Resolution Read and Referred**

Senate Joint Resolution No. 8, Joint resolution in favor of Charles Hashim.

Read a first and second time and referred to the Committee on Claims.

The message further announced that the Senate had voted to adopt the following concurrent resolution sent down from the House of Representatives, with amendment, in the passage of which amendment the Senate asked the concurrence of the House of Representatives:

*Resolved*, That the concurrent resolution be amended by striking out the words and figures, "Thursday, June 8" wherever they appear, and substituting therefor the words and figures, Friday, June 16; so that said concurrent resolution as amended will read:

*Whereas*, It appears that all necessary legislative work may be accomplished by Friday, June 16, instant, therefore be it

*Resolved*, by the House of Representatives, the Senate concurring, that the present session of the Legislature be brought to final adjournment on Friday, June 16, instant, at 5 o'clock in the afternoon.

*Be It Further Resolved*, That all reports, bills and joint resolutions, with the exceptions of such as have been referred to the next Legislature, be indefinitely postponed.

The question being on the amendment.

(Discussion ensued)

Mr. Etsler of Claremont spoke in favor of the amendment.

On motion of Mr. Etsler of Claremont the House concurred in the adoption of the amendment sent down from the Honorable Senate.

The Speaker declared the House in recess.

### After Recess

The message further announced that the Senate concurred with the House of Representatives in the passage of the following entitled bills, with amendments, in the passage of which amendments the Senate asked the concurrence of the House of Representatives:

House Bill No. 323, An act making appropriations for the expenses of the State of New Hampshire for the year ending June 30, 1940.

Amend section 1 of said bill as follows:

In the paragraph for the executive department: strike out the figure "7,000" for council per diem and expenses and insert in place thereof the figure \$6,500; strike out the words "per diem compensation and expenses of the council shall be paid from this fund and no compensation or expenses shall be paid from any other state funds; strike out the figure "5,000" for contingent fund and insert in place thereof the figure \$7,500; strike out the figure "\$40,000" for emergency fund and insert in place thereof the figure \$45,000; and strike out the figure "\$70,665" for the total of said department and insert in place thereof the figure \$77,665.

In the paragraph for the department of agriculture: for salaries under the bureau of markets strike out the figure "\$3,025" and insert in place thereof the figure \$3,187" and change the total for said department from \$146,547 to \$146,709.

In the paragraph for the comptroller's department: for current expenses strike out the figure "\$2,300" and insert in place thereof the figure, \$2,500; add at the end the following

Mailing division: clerical expenses	\$3,435
current expenses	365
	<hr/>
	\$3,800



change the first total for said department from "\$27,112.50" to \$31,112.50, and the second total from "\$34,362.50" to \$38,362.50.

In the paragraph for bureau of labor: clerical expenses for office of commissioner strike out the figure "\$5,025" and insert in place thereof the figure \$5,525; change the total for said office from "\$11,125" to \$11,625; salary of minimum wage division director, strike out the figure "\$2,400" and insert in place thereof the figure \$2,200; change the total for said division from "\$18,500" to \$18,300; change the total for said bureau of labor from "\$55,625" to \$55,925.

In the paragraph for state house department: for other salaries, strike out the figure "\$41,220" and insert in place thereof the figure, \$44,220; for current expenses, strike out the figure "\$44,700" and insert in place thereof the figure, \$46,700; change the total for said department from \$100,539" to \$105,539.

In the paragraph for weight and measures: for clerical expenses, strike out the figure "\$1,000" and insert in place thereof the figure \$1,500; strike out the word and figure "equipment 250"; change the total for said department from "\$17,655" to \$17,905.

In the paragraph for industrial school: for current expenses, under custodial care, strike out the figure "\$17,800" and insert in place thereof the figure \$18,620; change the total for custodial care from "\$38,770" to \$39,590 and change the total for the school from "\$89,985" to \$90,805.

In the paragraph for the state board of education: strike out the words "normal school" where they occur and insert in place thereof the words, teachers' college; strike out the first sentence after the total for said state board of education and insert in place thereof the following: In addition to the above appropriation said department shall receive for Plymouth Teachers'

College and for Keene Teachers' College the income of said college dormitories and practice schools and for disbursement the sums paid by school districts for the salaries of superintendents under section 40, chapter 117 of the Public Laws.

In the paragraph for board of health: for control of venereal diseases, current expenses, strike out the figure "\$1,920" and insert in place thereof the figure \$2,680; change the total for said division from "\$8,140" to \$8,900 and the total for said board from "\$86,677" to \$87,437.

For the total for the cancer commission strike out the figure "\$30,000" and insert in place thereof the figure \$32,500.

In the paragraph for public library commission: for books for traveling libraries strike out the figure "\$2,000" and insert in place thereof the figure \$3,000; change the total for traveling libraries from "\$2,675" to \$3,675; strike out the figure "\$1,265" for field work and insert in place thereof the figure \$2,465; change the total for said commission from "\$15,895" to \$18,095.

In the paragraph for state tax commission; insert the following:

Tax on Tobacco Products:

Clerical expenses	\$14,800
Current expenses	14,600
Equipment	600.00

Total	<hr/> \$30,000.00
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change the total for the state tax commission from \$39,975 to \$69,975.

In the paragraph for milk control board: for current expenses, strike out the figure "\$4,169" and in-

sert in place thereof the figure \$5,189; change the total for said board from "\$12,000" to \$13,000.

Insert before the appropriation for the fish and game department the following:

For Resources Board, current expenses	\$20,000
For Eastern States Exposition building commission	\$1,000
For New Hampshire Shore and Beach Preservation and Development Commission	\$2,000

Further amend said bill by inserting after section 1 the following new section:

2. *Takes Effect.* This act shall take effect July 1, 1939.

In the paragraph for department of agriculture: for insect suppression, salaries of clerks and assistants strike out the figure \$7,865 and insert in place thereof the figure \$8,765; change the total for said department, as previously amended by striking out the figure \$146,709 and inserting in place thereof the figure \$147,609.

Amend paragraph entitled "For Insurance Department" of section 1 of House Bill 323 by striking out the figure "\$8,550.00" after the words "Clerical Expenses" and inserting in place thereof the figure "13,250.00", and striking out the figure "4,000.00" after the words "Current Expenses" and inserting in place thereof the figure "4,855.00", and striking out the figure "21,850.00" after the words "Total Insurance Department" in said paragraph and inserting in place thereof the figure "27,405.00".

House Bill No. 324, An act making appropriations for the expenditures of the State of New Hampshire for the year ending June 30, 1941.

Amend section 1 of said bill as follows:

In the paragraph for the executive department: for council per diem and expenses, strike out the figure "\$8,000" and insert in place thereof the figure \$7,500; strike out the words "per diem compensation and expenses of the council shall be paid from this fund and no compensation or expenses shall be paid from any other state funds;" for contingent fund, strike out the figure "\$5,000" and insert in place thereof the figure, \$7,500; for emergency fund strike out the figure "\$40,000" and insert in place thereof the figure, \$45,000; change the total for said department from "\$71,765" to \$78,765.

In the paragraph for the department of agriculture: for salaries under the bureau of markets, strike out the figure "\$3,075" and insert in place thereof the figure \$3,237; change the total for said bureau from "\$3,850" to \$4,012 and the total for the department from "\$145,297" to \$145,459.

In the paragraph for the comptroller's department: for current expenses, strike out the figure "\$2,500" and insert in place thereof the figure \$2,700; add at the end the following:

Mailing division, clerical expenses	\$3,535
current expenses	365
equipment	50
	<hr/>
Total	\$3,950

change the first total for said department from "\$26,337.50" to \$30,487.50, and the second total from "\$33,587.50" to \$37,737.50.

In the paragraph for forestry and recreation department: after the word "reforestation" insert the figure \$1,900.

In the paragraph for the bureau of labor: for clerical expenses in the office of the commissioner, strike out the figure "\$5,100" and insert in place thereof the figure \$5,600; change the first total from "\$11,450" to \$11,950; for salary of director, minimum wage division, strike out the figure "\$2,400" and insert in place thereof the figure, \$2,200; change the total for said division from "\$18,650" to \$18,450; change the total for said department from "\$56,400" to \$56,700.

In the paragraph for the industrial school: for custodial care, current expenses, strike out the figure "\$17,800" and insert in place thereof the figure, \$18,620; change the total for custodial care from "\$38,770" to \$39,590, and the total for the school from "\$89,985" to \$90,805.

In the paragraph for the state board of education: strike out the words, "normal school" where they occur and insert in place thereof the words, teachers' college; strike out the first sentence after the total for said state board of education and insert in place thereof the following: In addition to the above appropriation said department shall receive for Plymouth Teachers' College and for Keene Teachers' College the income of said college dormitories and practice schools and for disbursement the sums paid by school districts for the salaries of superintendents under section 40, chapter 117, of the Public Laws.

In the paragraph for weight and measures: for clerical expenses strike out the figure "\$1,050" and insert in place thereof the figure \$1,550; strike out the word and figure "equipment \$100"; change the total for said department from "\$17,375" to \$17,775.

In the paragraph for state board of health; for control of venereal diseases, current expenses, strike out

the figure "\$1,920" and insert in place thereof the figure \$2,630; change the total from "\$8,190" to \$8,900; change the total for the department from "\$87,292" to \$88,002.

In the paragraph for cancer commission: change the total from \$30,000 to \$32,500.

In the paragraph for public library commission: for books for traveling libraries; strike out the figure \$2,000 and insert in place thereof the figure \$3,000; change the total from "\$2,675" to \$3,675; for field work strike out the figure "\$1,265" and insert in place thereof the figure \$2,465; change the total for the department from "\$16,295" to \$18,495.

In the paragraph for state tax commission: insert the following:

Tax on Tobacco Products:

Clerical expenses	\$14,800	
Current expenses	14,600	
Equipment	600	
	<hr/>	\$30,000

change the total for the state tax commission from \$39,225 to \$69,225.

In the paragraph for milk control board: for current expenses, strike out the figure "\$4,089" and insert in place thereof the figure \$5,089; change the total for said department from "\$12,000" to \$13,000.

Insert after the teachers' retirement board the following new items:

For Water Resources Board, current expenses \$20,000

For Eastern States Exposition building commission \$1,000

For New Hampshire Shore and Beach Preservation and Development Commission \$2,000

Insert after section 1 the following new section:



2. *Takes Effect.* This act shall take effect July 1, 1940.

In the paragraph for department of agriculture: for insect suppression, salaries of clerks and assistants strike out the figure \$7,865 and insert in place thereof the figure \$8,765; change the total for said department as previously amended by striking out the figure \$145,459 and inserting in place thereof the figure \$146,359.

Amend the paragraph entitled "For Insurance Department" of Section 1 of House Bill 324 by striking out the figure "8,800.00" after the words "Clerical expenses," and inserting in place thereof the figure "13,500.00," and by striking out the figure "4,000.00" after the words "Current expenses" and inserting in place thereof the figure "4,855.00," and by striking out the figure "22,100.00" after the word "Total" in said paragraph and inserting in place thereof the figure "27,655.00."

The reading of the amendments having commenced on motion of Mr. Boynton of Hillsboro further reading of the amendment was dispensed with.

Mr. Boynton of Hillsboro moved that the House non-concur in the amendments to House Bill Nos. 323 and 324, sent down from the Honorable Senate, and that a Committee of Conference be appointed.

On a *viva voce* vote the motion was adopted and the Speaker appointed as members of such committee on the part of the House, Messrs. Boynton of Hillsboro, Seavey of Rochester, Bell of Plymouth, Sander-son of Pittsfield and Osborne of Sunapee.

The message further announced that the Senate had voted to accede to the request of the House of Representatives for a Committee of Conference on House Bill No. 356, An act relating to the state house, state

house annex, state library, and the Hannah Dustin monument, and the President has appointed on the part of the Senate, Senators Cole and Butler.

The message also announced that the Senate had voted to accede to the request of the House of Representatives for a Committee of Conference on the following house bills:

House Bill No. 323, An act making appropriation for the expenses of the State of New Hampshire for the year ending June 30, 1940.

House Bill No. 324, An act making appropriation for the expenses of the State of New Hampshire for the year ending June 30, 1941.

And the President has appointed on the part of the Senate, Senators Butler, Page, and O'Malley.

On motion of Mr. Fernald of Dover business in order at 3 o'clock was made in order at the present time.

### Third Readings

On motion of Mr. Fernald of Dover the rules were suspended and the third readings of bills by their titles made in order.

House Bill No. 379, An act providing for a division of municipal accounting within the State Tax Commission.

Read a third time and passed and sent to the Senate for concurrence.

Senate Bill No. 69, An act authorizing the sale of certain property of the state.

Read a third time and passed and sent to the Secretary of State to be engrossed.

On motion of Mr. Tucker of Rye at 12:42, o'clock the House adjourned.

THURSDAY, JUNE 8, 1939.

The House met at 11:00 o'clock.

Prayer was offered by the Chaplain.

### Leaves of Absence

Messrs. Connolly of Manchester, Pulsifer of Camp-ton, Sturtevant of Concord, Craig of Haverhill, Dean of Haverhill, Converse of Claremont, Gilmartin of Manchester, Poirier of Manchester were granted leave of absence for the day on account of important business.

Mr. Emerson of Milford was granted leave of absence for the rest of the session on account of important business.

### Resolution

On motion of Mr. Callahan of Keene.

*Resolved*, That when the House adjourns this morning it be to meet Saturday morning at 10:00 o'clock and that when it then adjourns, it adjourns to meet Tuesday at 11:00 o'clock.

### Committee Reports

Mrs. Batchelder of Hanover, for the Committee on Engrossed Bills, reported that the committee had examined and found correctly engrossed the following entitled bills:

Senate Bill No. 60, An act relating to the manufacture and sale of certain alcoholic beverages.

Senate Bill No. 69, An act authorizing the sale of certain property of the state.

House Bill No. 62, An act relating to trust companies and other financial institutions.

House Bill No. 407, An act relative to hours of labor for laundry establishments.

House Bill No. 424, An act relating to banking.

House Bill No. 434, An act relative to the powers of the fiscal agent of Coos County.

The report was accepted.

Mr. Normandin of Laconia, for the Committee on Judiciary, to whom was referred Senate Bill No. 51, An act relating to Union School District in Keene, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend by striking out the whole of section 5 and inserting in its place the following:

5. *Takes Effect.* This act shall take effect upon its adoption by a majority vote of the qualified voters present and voting at any legal meeting of said district.

The report was accepted.

The question being on the adoption of the amendment.

(Discussion ensued)

Mr. Bass of Peterborough spoke for the motion.

On a *viva voce* vote the amendment was adopted and the bill ordered to a third reading.

Mr. Frissell of Keene moved that the rules of the House be suspended to permit the third reading and final passage of Senate Bill No. 51, An act relating to the Union school district in Keene, by its title at the present time.

The question being on the motion of Mr. Frissell.

(Discussion ensued)

Mr. Frissell of Keene spoke in favor of the motion.

On a *viva voce* vote the motion prevailed.

The bill was then read a third time and passed and sent to the Senate for concurrence in the amendment.

Mr. Sanderson of Pittsfield, for the Committee on Appropriations, to whom was referred House Bill No.

432, An act providing a deficiency appropriation for certain state departments, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 by striking out the figures "\$152,565.37" in line one and inserting in place thereof the figures, \$165,065.37"; further amend by striking out the words "For Adjutant General" in line six and inserting in place thereof the words, For Adjutant General's Department for hurricane damage and timber salvage at Rye Harbor Camp site; further amend by inserting after line thirteen the following: For State Sanatorium, \$5,000; For the purchase by the state of a colored motion picture called "The Ninth State" advertising New Hampshire's Industrial, recreational and agricultural resources to be placed in the custody of the State Planning and Development Commission for distribution and for reimbursement of private subscriptions filed with the state comptroller, \$7,500.00; so that said section as amended shall read as follows:

1. *Appropriation.* The sum of \$165,065.37 is hereby appropriated to meet deficits in certain state departments as follows:

For Constitutional Convention	\$26,244.13
For Legislative Expenses	70,000.00
For Adjutant General's Department for hurricane damage and timber salvage at Rye Harbor Camp site	734.34
For State Police	15,000.00
For Insurance Department	5,600.00
For State House Department	2,526.00
For Secretary of State	4,936.75
For Forestry Department-Timber salvage	24,244.15
For State Library Waterproofing	2,430.00

For State Treasury Audit	850.00
For State Sanatorium	5,000.00

For the purchase by the state of a colored motion picture called "The Ninth State" advertising New Hampshire's industrial, recreational and agricultural resources to be placed in the custody of the state Planning and Development commission for distribution and for reimbursement of private subscriptions filed with the state comptroller

7,500.00

The Governor is authorized to draw his warrant for the sums appropriated out of any money in the treasury not otherwise appropriated.

The report was accepted, the amendment adopted and the bill ordered to a third reading.

Mr. Normandin of Laconia, for the Committee on Judiciary, to whom was referred Senate Bill No. 70, An act relating to the trial of capital cases, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Sanderson of Pittsfield, for the Committee on Appropriations, to whom was referred House Bill No. 430, An act providing funds for improvements in the state house, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 by inserting before the word "any" in line one the word, from; further amend by inserting after the word "acts" in line five the word, there; further amend by inserting after the word, "Council"



in line five the words and figures, a sum not to exceed forty thousand dollars (\$40,000) ; so that said section as amended shall read as follows:

1. *Transfer of Appropriation.* From any unexpended balance of the funds provided for the construction and equipment of the state house annex and the Manchester armory, as provided by chapters 172 and 174 of the laws of 1937, which, in the opinion of the governor and council, is not needed for the purposes of said acts there may be expended by the governor and council a sum not to exceed forty thousand dollars, (\$40,000) for the remodeling and equipment of offices in the state house necessitated because of the reassignment of offices for certain departments.

The report was accepted the amendment adopted and the bill ordered to a third reading.

Mr. Sanderson of Pittsfield for the Committee on Appropriations, to whom was referred House Bill No. 339, An act for the construction and equipment of a liquor warehouse and office building, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *Appropriation.* A sum not exceeding one hundred and twenty thousand dollars (\$120,000) or so much thereof as may be necessary, is hereby appropriated for the purpose of constructing and equipping a building for the use of the state liquor commission for an office building and liquor warehouse, provided a grant is made by the federal government in connection therewith.

2. *Expenditure.* Said appropriation shall be expended by the state liquor commission in accordance

with plans and specifications to be approved by the governor and council.

3. *Location; Use of Building.* Said building shall be located in the city of Concord on Bridge street on land acquired by the state by deed from Rubie J. Corser, dated October 5, 1935. If, at any time, there shall be available in said building any space which in the opinion of the state liquor commission is not needed by said commission said space may be assigned by the governor and council to any other state department.

4. *Federal Assistance.* The governor and council are hereby authorized to co-operate with and enter into such agreements with the federal government, or any agency thereof, as they may deem advisable to secure federal funds for the purposes of this act. In case federal funds are made available for the purposes hereof and the appropriation made by section 1 thus becomes effective the federal funds secured shall not be in addition to the amount appropriated by the state but the total amount of state and federal funds expended for the purposes hereof shall not in any event exceed the sum of one hundred and twenty thousand dollars.

5. *State Funds.* From the net revenue derived from the sale of liquor in state stores, as provided by chapter 3 of the Laws of the special session of 1934, the state treasurer is hereby authorized to establish a special fund of not exceeding the sum of one hundred and twenty thousand dollars to provide the necessary funds to carry out the provisions of this act, provided a federal grant is made available for the purposes hereof. If said special fund is provided the governor is hereby authorized to draw his warrants from said fund for the purposes hereof.

6. *Takes Effect.* This act shall take effect upon its passage.

The report was accepted.

The question being on the amendment.

Mr. Chase of Manchester moved that the bill and its accompanying report be laid upon the table and made a special order for Tuesday, June 13, at 11:01 o'clock.

On a *viva voce* vote the motion did not prevail.

The question being on the amendment.

Mr. Chase of Manchester moved that the bill be indefinitely postponed.

The question being on the motion of Mr. Chase.

(Discussion ensued)

Messrs. Chase of Manchester, Powers of Brookline, Maxham of Concord and Kimball of Manchester spoke in favor of the motion.

Messrs. Officer of Claremont, Conlon of Concord, Sanderson of Pittsfield and Hancock of Concord spoke against the motion.

On a *viva voce* vote the Chair was in doubt.

Mr. Chase of Manchester called for a division.

A division being had 146 members voted in the affirmative and 111 members voted in the negative and less than two thirds of the members elected being present and voting and less than two thirds of those voting having voted in either the affirmative or negative, no valid action was taken and the bill went into unfinished business.

On motion of Mr. Hepworth of Derry the rules were suspended to allow for the presentation of a committee report which had not previously been advertised in the Journal.

Mrs. Hayes of Barrington, for the Committee on Public Improvements, to whom was referred House Bill No. 436, An act relating to the acquisition of certain land in the town of Moultonborough, reported the

same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 3 of said bill by striking out the same and inserting in place thereof the following:

3. *Appropriation.* The sum of not exceeding one thousand dollars be and hereby is appropriated for the purposes of this act, provided that no payment shall be made to the town of Moultonborough for any interest said town may have in the real estate to be acquired hereby. The governor is hereby authorized to draw his warrant for the sum hereby appropriated out of any money in the treasury not otherwise appropriated.

The report was accepted, the amendment adopted, and the bill referred to the Committee on Appropriations under the rules.

On motion of Mr. Merrow of Ossipee the rules were suspended to allow for the presentation of a committee report which had not previously been advertised in the Journal.

Mr. Merrow of Ossipee, for the Committee on Ways and Means, to whom was referred House Bill No. 95, An act to establish a new apportionment for the assessment of public taxes, reported the same with the recommendation that the bill ought to pass.

The report was accepted.

The question being on the recommendation of the committee that the bill ought to pass.

(Discussion ensued)

Mr. Merrow of Ossipee spoke in favor of the motion.

On a *viva voce* vote the recommendation of the committee was adopted.

The question being shall the bill be read a third time?

Mr. Duncan of Jaffrey was recorded as voting in opposition to House Bill No. 95, on the ground that it

establishes an inequitable apportionment of taxes on certain towns losing taxable property by the hurricane of September 21, 1938.

Mr. Merrow of Ossipee spoke in favor of the motion.

Mr. Sherry of Dover spoke against the motion.

On a *viva voce* vote the bill was ordered to a third reading.

On motion of Mr. Etsler of Claremont, the rules were suspended to allow for the presentation of a committee report which had not previously been advertised in the Journal.

Mr. Normandin of Laconia, for the Committee on Judiciary, to whom was referred House Bill No. 403, An act providing for the merger and consolidation of corporations, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend paragraph (II) of section 1 by striking out the word "reorganization" in line thirty-two and inserting in its place the word, consolidation, so that said paragraph as amended shall read as follows:

(II) Such merger or consolidation shall be accomplished by an agreement duly executed by the authorized officers of the corporations involved, which agreement shall prescribe the terms and conditions of the merger or consolidation and the mode of carrying the same into effect, shall include or have appended true copies of the authorizing votes of the stockholders of the corporations effecting such merger or consolidation, the name of the continuing or resulting corporation, its objects or purposes, the location of its principal place of business in this state, the names and addresses of its officers and directors, a statement that by-laws have been adopted according to law, the amount of its presently authorized capital stock and the classes thereof, if any, and, in case one or more corporations merge into an existing corporation, the



amount of its outstanding capital stock and the classes thereof, if any, the amount of stock presently to be issued and the classes thereof, if any, and the consideration therefor, or, in case two or more corporations consolidate into a new corporation, the amount of stock presently to be issued and the classes thereof, if any, and the consideration therefor, said agreement shall be authenticated by affidavit, and subscribed and sworn to by the treasurer and a majority of the board of directors of the corporations effecting such merger or consolidation, who shall therein also make oath that the consideration for which stock with nominal or par value is to be issued under the terms of the agreement is to the best of their knowledge, information and belief of actual value in money at least equal to the par value of the stock proposed to be issued therefor. Said merger or consolidation agreement shall be submitted to the attorney-general or assistant attorney-general, who shall examine the same and may require such amendment thereof or such additional information as he may consider necessary. If he finds that such agreement conforms to the provisions of this section, he shall so certify and endorse his approval thereon. Thereupon, such merger or consolidation agreement and the endorsement thereon shall, upon payment of the fee herein provided for, be recorded in the office of the secretary of state, who shall thereupon issue a certificate substantially in the form provided by section 15 of this chapter, but altered to show the fact of a merger of one or more corporations into an existing corporation or the consolidation of two or more corporations into a new corporation under the provisions of this section, as the case may be, declaring that such merger or consolidation has become effective and that the continuing or resulting corporation has been duly established in accordance with the terms of such agreement. The



secretary of state shall date and sign said certificate and cause the seal of the state to be thereunto affixed.

Amend paragraph (V) of section 1 by striking out the words "or any of them" in line eighty-one and inserting in place thereof the words, as the case may be, so that said paragraph as amended shall read as follows:

(V) The corporation continuing after such merger or resulting from such consolidation shall upon application of either party be substituted as a party plaintiff or defendant in all proceedings pending in behalf of or against any of the corporations involved in such merger or consolidation, as the case may be, and said corporation shall be subject to all the liabilities and obligations of each such corporation and all rights of creditors of each such corporation and all liens upon the property of each of them shall be preserved unimpaired, as to the property affected by such liens at the time of such consolidation or merger, and all debts, liabilities and obligations of such corporations and each of them shall thenceforth attach to the continuing or resulting corporation and may be enforced against it to the same extent as if said debts, liabilities or obligations had been incurred or contracted by it.

Amend paragraph (VIII)) of section 1 by striking out the words "not inconsistent" in line one hundred and ten and inserting in place thereof the word, consistent, so that said paragraph as amended shall read as follows:

(VIII) Nothing in this section shall relieve the corporations involved in a merger or consolidation, or the corporation continuing after or resulting from a merger or consolidation, provided for in this section, from compliance with the provisions of law relating to the regulation of public utilities, regulating the transmission of water generated electric energy outside the

state of New Hampshire or imposing any other obligation for the protection of the public welfare which applied to the merging or consolidating corporation at the time of such merger or consolidation. No merger or consolidation involving a public utility operating in this state shall become effective without a finding by the Public Service Commission that such merger or consolidation is consistent with the public good.

The report was accepted.

The reading of the amendment having commenced on motion of Mr. Etsler of Claremont, further reading of the amendment was dispensed with.

The question being on the adoption of the amendment.

(Discussion ensued)

Mr. Etsler of Claremont spoke in favor of the amendment.

On a *viva voce* vote the amendment was adopted and the bill was ordered to a third reading.

On motion of Mr. Conlon of Concord the rules were suspended to allow for the presentation of a committee report which had not previously been advertised in the Journal.

Mr. Conlon of Concord, for the Committee on Liquor Laws, to whom was referred House Bill No. 431, An act relative to bonds required of wholesale permittees, for the sale of certain alcoholic beverages reported the same with the following amendment, and the recommendation that the bill as amended ought to pass, and with the recommendation pending, that the amendment be laid on the table to be printed.

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1. *Wholesalers and Manufacturers.* Amend chapter 99 of the Laws of 1933 by inserting after section 22, as inserted by section 4, chapter 134, Laws of

1939, the following new section: 22-a. *Bond Required*. Each wholesaler or manufacturer holding a permit under the provisions hereof shall annually give to the state of New Hampshire a bond satisfactory to the commission and in such amount as it may determine, conditioned upon the payment of the fees required under the provisions of this chapter. The amounts due under said bond shall be recoverable in an action of debt to be brought by the attorney-general upon complaint of said commission.

Amend the title of said bill by striking out the same and inserting in place thereof the following:

An act relative to wholesale, manufacturer, carrier and vehicle permits for the sale of certain alcoholic beverages.

Amend said bill by inserting after section 1 the following new section:

2. *Carrier and Vehicle Permits*. Amend chapter 99, Laws of 1933, by inserting after section 16 the following new section: 16-a. *Restriction*. No holder of a carrier or vehicle permit who also holds a wholesalers permit shall operate or cause to be operated a motor vehicle upon the highways of this state for the transportation of beverages and at the same time permit or cause to be transported in such motor vehicle any other saleable merchandise of any character whatsoever, whether consigned for resale, gift or premium.

Amend said bill renumbering section 2 to read section 3.

The report was accepted and the recommendation of the committee adopted.

### Message from the Senate

A message from the Honorable Senate by its Clerk announced that the Senate had voted to concur with the House of Representatives in the passage of the

following entitled bills sent up from the House of Representatives:

House Bill No. 117, An act relating to the diseases of domestic animals.

House Bill No. 434, An act relative to the powers of the fiscal agent of Coos county.

The message further announced that the Senate had voted to concur with the House of Representatives in its amendments to the following entitled bills and concurrent resolution:

Senate Bill No. 53, An act relative to Sunday work for employees engaged in the work of communications.

Senate Bill No. 60, An act relating to the manufacture and sale of certain alcoholic beverages.

Concurrent resolution relating to the granite industry of the state of New Hampshire.

The message further announced that the Senate had voted to reconsider the vote whereby they refused to concur with the House of Representatives on House Bill No. 198, An act to provide for a revision of the Public Laws, and recommitted the bill to the Committee on Finance.

The message further announced that the Senate concurred with the House of Representatives in the passage of the following entitled bills, with amendments, in the passage of which amendments the Senate asked the concurrence of the House of Representatives:

House Bill No. 228, An act relating to the control of navigation at Hampton harbor, the inlet, so-called, and the Hampton river.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *Control of Navigation.* Amend chapter 152 of the Public Laws by inserting after section 12 the following new subdivision:

Hampton harbor, Harbor inlet and Hampton river.

12-a. *Harbor-Master.* The selectmen of the town of Hampton shall annually choose a harbor-master whose duty it shall be to oversee Hampton harbor, the inlet thereto and Hampton river, to preserve and regulate navigation within said waters, to assign moorings, require the same to be kept in safe condition, to require the removal of vessels if necessary or an emergency arises, and to inquire into and prosecute all offenses under section 12 thereof. For the purposes hereof said harbor-master, with the approval of the selectmen of Hampton, shall make such reasonable rules and regulations as he shall deem proper. Said harbor-master shall receive for his services such salary as the town may by vote determine.

12-b. *Definition.* The word "vessel" as used in this subdivision shall include boats of all sizes propelled by sail, machinery or hand, scows, dredgers, shellfish cars, and craft of every kind.

12-c. *Penalty.* Whoever violates any of the rules and regulations of the harbor-master promulgated under the authority of section 12-a, or refuses or neglects to obey the lawful and reasonable orders of the harbor-master, or resists him in the execution of his duties, shall be fined not more than fifty dollars.

All fines collected under the provisions of this section shall be for the use of the town of Hampton.

2. *Takes Effect.* This act shall take effect upon its passage.

On motion of Mr. Swift of New London the House concurred in the adoption of the amendments sent down from the Honorable Senate.

The bill was then sent to the Secretary of State to be engrossed.



House Bill No. 327, An act establishing a Commission for the purpose of studying the possibilities of protecting individuals unemployed because of sickness or ill health.

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1. *Commission Established.* There is hereby created the commission on disability benefits, hereinafter referred to as the commission, consisting of three appointive members and the labor commissioner, who shall act as chairman, and the administrator of the unemployment compensation division, who shall act as secretary, *ex-officiis*. The appointive members of the commission shall be appointed by the governor with the advice and consent of the council for a term of two years each or until the report required under section 3 has been filed. Vacancies in the commission shall be filled in the same manner as original appointments. The members of the commission, other than the *ex-officio* members, shall serve without compensation but shall be allowed actual expenses incurred in the course of their duties as such commissioners.

Amend section 5 of said bill by striking out the same and inserting in place thereof the following:

5. *Appointment of Personnel.* The chairman of the commission, with the advice and consent of the commission, is hereby authorized to appoint and fix the compensation of such assistants as may be necessary to carry out the purposes of this act.

Amend section 7 of said bill by striking out the same and inserting in place thereof the following:

7. *Appropriation.* There is hereby appropriated for the purposes of this act the sum of two thousand five hundred dollars. The commission shall have no authority or power to incur debts or contract any



liabilities in the name of the state over and above the amount of the appropriation made herein. The governor is hereby authorized to draw his warrant for the sum herein appropriated out of any money in the treasury not otherwise appropriated.

The amendments were laid upon the table to be printed in the Journal.

House Bill No. 149, An act providing for improvements at the Laconia State School.

Amend section 1 of the bill by striking out the words and figures "fifty thousand (\$50,000)" in the first line and inserting in place thereof the words and figures, "sixty-five thousand (\$65,000)"; so that said section as amended will read:

1. *Appropriation.* The sum of sixty-five thousand (\$65,000), or so much thereof as may be necessary, be and hereby is appropriated to be expended for additions and improvements in the heating plant at the Laconia State School, to be expended in accordance with plans and specifications to be approved by the governor and council.

Amend section 2 of the bill by striking out the words "fifty" in the eighth line and inserting in place thereof the words sixty-five; so that said section as amended will read:

2. *Federal Assistance.* The governor and council are hereby authorized to cooperate with and enter into such agreements with the federal government or any agency thereof as they may deem advisable to secure federal funds for the purposes of this act. In case such federal funds are secured for the purposes hereof said funds shall not be used in addition to the amount appropriated by the state hereunder but the total amount of federal and state funds to be expended for said purposes shall not exceed the sum of sixty-five thousand dollars.

Amend section 3 of the bill by striking out the word "fifty" in the fifth line and inserting in place thereof the words sixty-five; so that said section as amended will read:

3. *Bonds or Notes Authorized.* In order to provide the funds for the appropriation made in section 1, the state treasurer is hereby authorized, under the direction of the governor and council, to borrow upon the credit of the state a sum not exceeding sixty-five thousand dollars and for that purpose may issue bonds or notes in the name and on behalf of the state. Such bonds or notes shall be deemed a pledge of the faith and credit of the state.

Amend section 6 of the bill by striking out the word "fifty" in the sixth line and inserting in place thereof the words sixty-five; so that said section as amended will read:

6. *Short-Term Notes.* Prior to the issuance of the bonds hereunder, the treasurer, under the direction of the governor and council, may for the purposes hereof borrow money from time to time on short-term loans to be refunded by the issuance of the bonds hereunder provided however that at no one time shall the indebtedness of the state on such short-term loans exceed the sum of sixty-five thousand dollars.

Reading of the amendments having commenced, on motion of Mr. Baker of Concord further reading of the amendments was dispensed with.

On motion of Mr. Baker of Concord the House concurred in the adoption of the amendments sent down from the Honorable Senate.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 350, An act to amend and clarify the law relating to motor vehicles.

Amend the title of said bill by striking out the same and inserting in place thereof the following:

An act relative to the registration of highway building equipment vehicles and equipment mounted on trucks.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *Motor Vehicles; Definition.* Amend paragraph II, section 1, chapter 99, Public Laws, by inserting before the word "tracks" the word, stationary, so that said paragraph as amended shall read as follows: II. "Vehicle" any mechanical device suitable for use on highways, except those propelled or drawn by human power or those used exclusively upon stationary tracks.

2. *Stationary Tracks.* Amend paragraph IX, section 1, chapter 99, Public Laws, by inserting before the word "tracks" in the second line the word, stationary, so that said paragraph as amended shall read as follows: IX. "Motor vehicle" any self-propelled vehicle not operated exclusively upon stationary tracks, except tractors.

3. *Definition.* Amend paragraph XIII, section 1, chapter 99, Public Laws, by inserting before the word "tracks" the word, stationary, so that said paragraph as amended shall read as follows: XIII. "Trailer" any vehicle without motive power designed for carrying property or passengers wholly on its own structure and for being drawn by a self-propelled vehicle, except those running exclusively on snow or on stationary tracks and vehicles used exclusively for agricultural purposes.

4. *Registration Fees.* Amend paragraph III of section 1, chapter 102, Public Laws, as amended by

chapter 94, Laws of 1927, chapter 45, Laws of 1935, chapter 48 and section 5, chapter 132, Laws of 1939, and by section 1 of an act entitled "An act relative to the registration fees for motor vehicle tractors and tractors used for agricultural purposes only" approved at the 1939 session, by striking out the same and inserting in place thereof the following: III. For each motor vehicle or tractor, including trailers and semi-trailers equipped with pneumatic tires, except motor cycles and motor cycle sidecars, and except as provided in paragraph III-a, the following rates based on the gross weight of the vehicle and load: All vehicles and load not exceeding four thousand pounds, thirty-five cents per hundred pounds; exceeding four thousand and not exceeding six thousand pounds, forty-five cents per hundred pounds; exceeding six thousand pounds and not exceeding eight thousand pounds, fifty cents per hundred pounds; exceeding eight thousand pounds, sixty cents per hundred pounds. For all vehicles equipped with hard rubber tires the sum of twenty cents per hundred shall be added to the above rates. For all vehicles equipped with iron, steel or other hard tires the sum of forty cents per hundred pounds shall be added to the above rates; provided that the minimum fee as provided herein shall be ten dollars for passenger vehicles and fifteen dollars for trucks. Equipment mounted on trucks of which the equipment is an integral part of the unit shall be registered at one-third of the above rates. Cement mixers, saw rigs and air compressors towed by motor vehicles shall pay one tenth of the above rates except when towed exclusively within the limits of a single city or town, in which case no fees for registration shall be collected. In the registration of any tractor to be used in combination with a semi-trailer, the gross weight shall include the weight of such tractor, the weight of the heaviest semi-trailer

to be used therewith, and the weight of the maximum load to be carried thereby, and separate registration certificates and plates shall be provided for the tractor and the semi-trailer. For the registration of each additional or extra semi-trailer the fee shall be twenty-five dollars.

5. *Highway Building Equipment.* Amend section 1, chapter 99, Public Laws, by inserting after paragraph XXVII the following new paragraph: XXVIII "Highway building equipment" shall include all bulldozers, rollers, scrapers, graders, spreaders, pavers, bituminous mixers, retreading machines, compressors, power shovels, excavators, wagons, concrete mixers, bucket loaders, snow loaders, rooters, scarifiers and tractors, while being used in connection with the building, repair or maintenance of highways or while being transported or moved over the highways under a permit from the board or officer having charge of such highway, or, in the case of a state highway or highway determined by the state highway department to be a through route, from the state highway commissioner, and such permit may limit the time within which it shall be in force and the highways which may be used and may contain any provisions or conditions necessary for the protection of such highways from injury. Road oilers, bituminous distributors and heavy duty platform trailers and semi-trailers are expressly excepted from this definition.

6. *Registration Not Required.* Amend chapter 100 of the Public Laws by inserting after section 5, as amended by section 1, chapter 132, Laws of 1939, the following new section: 5-a. *Highway Building Equipment.* A resident owner of highway building equipment, as defined in paragraph XXVIII of section 1 of chapter 99 of the Public Laws, or a non-resident owner of such highway building equipment who has



a *bona fide* actual residence in a state granting like privileges to residents of this state, in order to operate said equipment as provided in said paragraph shall not be required to register such equipment in this state.

7. *Takes Effect.* This act shall take effect upon its passage.

The amendments were laid upon the table to be printed in the Journal.

### Reconsideration

Mr. Swift of New London moved that the House reconsider its vote whereby it concurred in the amendments offered by the Senate on House Bill No. 228, An act relating to the control of navigation at Hampton Harbor, the inlet, so-called, and the Hampton river.

On a *viva voce* vote the motion to reconsider prevailed.

The question being on the amendments offered by the Senate.

Mr. Pennell of Exeter moved that the House non-concur, and that a Committee of Conference be appointed.

On a *viva voce* vote the motion to non-concur was adopted and the Speaker appointed as members of such committee on part of the House Messrs. Pennell of Exeter, Adams of Hampton, and Batchelder of Keene.

House Bill No. 159, An act providing for the litigation of small claims.

Amend section 2 of the bill by inserting after the word "plaintiff" in the second line of said section the words, or his authorized attorney; so that said section as amended will read:

2. *Procedure Established.* There is hereby established a simple, speedy and informal procedure which



a plaintiff or his authorized attorney may pursue in an action commenced before a justice of a municipal court for the determination of a small claim. Such procedure shall be alternative and not exclusive.

Amend section 3 of the bill by adding after the word "plaintiff" in the first and fourth lines of said section the words, or his authorized attorney; and by striking out the word "fifty" in the fifth line and inserting in place thereof the word seventy; so that said section as amended will read:

3. *Process.* A plaintiff or his authorized attorney hereunder shall state the substance of his claim to the justice or clerk of the municipal court having jurisdiction thereof who shall briefly record the nature of the claim and set a date for hearing. The plaintiff or his authorized attorney shall at the same time pay an entry fee of one dollar and seventy cents.

Amend section 4 of the bill by inserting after the word "services" in the second line of said section the words, twenty cents to be used for postage for notice to defendant; so that said section as amended will read:

4. *Disposition of Fee.* Of the amount of the entry fee the justice shall be allowed the sum of one dollar for his services, twenty cents to be used for postage for notice to defendant, and fifty cents shall be for the use of the town in which the court is established.

Amend section 6 by adding at the end thereof the words, return receipt showing that defendant has received the statement shall constitute an essential part of the service; so that said section as amended will read:

6. *Notice to Defendant.* The justice shall cause notice of the claim and the substance thereof to be given to the defendant by sending a written statement

to the defendant by post paid registered mail addressed to the defendant at his last known post office address and directing the defendant to appear at the time and place of hearing, which shall be not less than fourteen days from the date said notice is mailed to the defendant. Return receipt showing that defendant has received the statement shall constitute an essential part of the service.

Amend section 7 of the bill by inserting after the word "plaintiff" in the fourth and ninth lines of said section the words, or his authorized attorney; so that said section as amended will read:

7. *Judgment.* At the hearing the technical rules of evidence shall not apply but the justice may admit any evidence he deems material and proper. Judgment shall be entered for the prevailing party and if the plaintiff or his authorized attorney recover his costs shall be awarded to him in addition to the judgment made in his behalf. In awarding judgment the justice may provide for payment thereof in installments. Failure to appear before the magistrate on the part of the defendant shall grant judgment in favor of the plaintiff or his authorized attorney.

On motion of Mr. Batchelor of Keene the House concurred in the adoption of the amendments sent down from the Honorable Senate.

The bill was then sent to the Secretary of State to be engrossed.

The message further announced that the Senate had passed a bill with the following title, in the passage of which it asked the concurrence of the House of Representatives.

Senate Bill No. 72, An act relative to the inspection of new motor vehicles and vehicles whose ownership has been transferred.

**Senate Bill Read and Referred**

Senate Bill No. 72, An act relative to the inspection of new motor vehicles and vehicles whose ownership has been transferred.

Read a first and second time, laid upon the table to be printed and referred to the Committee on Judiciary.

On motion of Mr. Etsler of Claremont printing of the bill was dispensed with.

The message also announced that the Senate had passed the following joint resolutions, in the passage of which it asked the concurrence of the House of Representatives:

Senate Joint Resolution No. 4, Joint resolution in favor of Thomas J. Callahan.

**Senate Joint Resolution Read and Referred**

Senate Joint Resolution No. 4, Joint resolution in favor of Thomas J. Callahan.

Read a first and second time and referred to the Committee on Claims.

**Reconsideration**

Mr. O'Shan of Laconia served notice that on today or on some subsequent day he would ask for reconsideration of the vote whereby the House adopted the resolution of the Committee inexpedient to legislate on Senate Bill No. 47, An act relating to the biennial referendum on the sale of liquor and beverages.

Mr. Etsler of Claremont moved to reconsider at the present time.

On a *viva voce* vote the motion to reconsider did not prevail.

### Resolution

Mr. King of Dover offered the following resolution:

**In Recognition of the 80th Birthday of  
Frank F. Fernald**

We are today honoring a fellow member who will attain his eightieth birthday next Sunday. Frank F. Fernald, Representative from Dover, was born in Madbury, June 11, 1859 and was educated in Dover where he is an attorney at law.

He is well known for his sincerity, efficiency and faithfulness to duty, and his fellow citizens have shown their appreciation of his sterling character by electing him to various city offices as well as that of Representative and State Senator.

We are proud to honor our fellow member in celebrating his eightieth birthday. We most sincerely commend him for his splendid record of public service and heartily wish him success and happiness in the years ahead.

The resolution was unanimously adopted by a rising vote.

On behalf of friends the Speaker presented Mr. Fernald with a purse of money.

Mr. Wadleigh of Milford offered the following resolution:

*Resolved*, That the Clerk be instructed to procure the usual number of copies of the Chaplain's prayers of the session.

On a *viva voce* vote the resolution was adopted.

### Reconsideration

Mr. Sanderson of Pittsfield moved that the rules of the House be suspended and that it reconsider its vote whereby it adopted the resolution of the committee, inexpedient to legislate, on House Bill No. 338, An act for improvements at the state prison.

On a *viva voce* vote the motion to reconsider was adopted.

On motion of Mr. Sanderson of Pittsfield the bill was recommitted to the Committee on Appropriations.

On motion of Mr. Fernald of Dover business in order at 3 o'clock was made in order at the present time.

### Third Readings

On motion of Mr. Fernald of Dover the rules were suspended and the third readings of bills by their titles made in order.

House Bill No. 95, An act to establish a new apportionment for the assessment of public taxes.

House Bill No. 403, An act providing for the merger and consolidation of corporations.

House Bill No. 430, An act providing funds for improvements in the state house.

House Bill No. 432, An act providing deficiency appropriation for certain state departments.

Severally read a third time and passed and sent to the Senate for concurrence.

Senate Bill No. 70, An act relating to the trial of capital cases.

Read a third time and passed and sent to the Secretary of State to be engrossed.

On motion of Mr. Kempton of Newport at 12:59 o'clock the House adjourned.

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SATURDAY, JUNE 10, 1939.

The House met at 10:00 o'clock.

The following letter was read by the Clerk:

TUESDAY, JUNE 13, 1939

1097

Saturday, June 10, 1939.

Mr. George H. Nash,  
Concord, N. H.

DEAR SIR:

I shall be unable to attend the session on Saturday morning. Will you kindly preside for me and oblige.

Yours respectfully,

ANSEL N. SANBORN,  
*Speaker.*

There being no quorum present at 10:01 o'clock the House adjourned.

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TUESDAY, JUNE 13, 1939.

The House met according to adjournment.

Prayer was offered by the Chaplain.

#### **Leaves of Absence**

Mr. Durnin of Dover was granted leave of absence for the day on account of illness.

Mr. Goodwin of Tilton was granted leave of absence for the day on account of out of state business.

Mr. Adams of Belmont was granted leave of absence for Tuesday and Wednesday on account of death in the family.

#### **Committee Reports**

Mrs. Batchelder of Hanover, for the Committee on Engrossed Bills reported that the committee had examined and found correctly engrossed the following entitled bills and joint resolutions:

Senate Bill No. 51, An act relating to Union School District in Keene.



House Bill No. 149, An act providing for improvements at the Laconia State School.

House Joint Resolution No. 17, Joint resolution in favor of Everett Hunnewell.

House Joint Resolution No. 26, Joint resolution for a memorial work of the sesquicentennial of the federal constitution.

House Joint Resolution No. 76, Joint resolution in favor of Joseph Caron.

House Joint Resolution No. 77, Joint resolution in favor of Emma S. McGirr.

The report was accepted.

Mrs. Batchelder of Hanover, for the Committee on Engrossed Bills, to whom was referred Senate Bill No. 68, An act to authorize the sale of property in Durham, New Hampshire for the benefit of the University of New Hampshire, reported the same under Joint Rule No. 6, with the following amendment and recommended that the bill as amended ought to pass.

Amend section 1 of said bill by striking out the abbreviation "Jr" where it occurs in said section.

On motion of Mr. Etsler of Claremont the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Senate for concurrence.

Mr. Baker of Concord moved that the rules be suspended to allow the presentation of a committee report which had not previously been advertised in the Journal.

The question being on the motion of Mr. Baker.

(Discussion ensued)

Messrs. Baker of Concord, Duncan of Jaffrey and Sanderson of Pittsfield spoke for the motion.

On a *viva voce* vote the motion prevailed.

The following letters were read by the Clerk.

TUESDAY, JUNE 13, 1939

1099

FARM BUREAU FEDERATION  
NEW HAMPSHIRE  
3 No. State Street  
CONCORD, N. H.

June 10, 1939

Honorable Francis P. Murphy, *Governor*,  
Honorable Robert O. Blood, *President of the Senate*,  
Honorable Ansel N. Sanborn, *Speaker of the House*,

GENTLEMEN:

I was very much surprised to learn through the press on my return to my office this morning of the situation with respect to the so-called tobacco tax bill.

In view of the situation, may I respectfully request that aggressive action be taken on Tuesday morning to correct the error that has been made. Our Executive Committee gave its support to this bill largely because of the changes made in the new draft as passed by the House, and it is for this reason that we ask that definite action be taken to correct the mistake that has been made.

Respectfully yours,

GEORGE M. PUTNAM,  
*President.*

June 9, 1939.

HON. ANSEL SANBORN,  
Speaker of the House,  
Sanbornville, N. H.

DEAR MR. SANBORN:

I just discovered today that the Tobacco Tax Bill which was engrossed this week does not correspond with the House Bill No. 398, in new draft, in several important features. It does not contain the clause

defining tobacco products nor the important section which eliminates the state tax. There are several other places in which the bill has been changed more than I should think the Engrossing Committee could do under its authority. The bill as engrossed appears to be very similar to the original draft although I did not have a copy with which to check.

This, of course, is a very serious error and it is of the greatest importance that something be done immediately to correct it.

Having based our support of the measure on the definite elimination of the state tax in the bill, as I believe the great bulk of the House and Senate did, we respectfully request that every effort be made on Tuesday morning to remedy this situation.

Very truly yours,

WILLIAM J. NEAL,  
*Master, N. H. State Grange.*

Mr. Baker of Concord, for the Committee on Ways and Means, to whom was referred House Bill No. 438, An act relating to the taxation on tobacco products, reported the same with the recommendation that the bill ought to pass.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Ways and Means.

Mr. Merrow of Ossipee moved that the rules of the House be suspended and the printing of the bill, and its reference to a committee dispensed with, but subsequently withdrew his motion.

(The Speaker declared the House in recess)

The printing of the bill ordered by the Speaker in advance, was distributed to the members.

### After Recess

Mr. Merrow of Ossipee moved that the rules of the House be suspended and reference of the bill to a committee be dispensed with.

The question being on the motion of Mr. Merrow.

(Discussion ensued)

Mr. Merrow of Ossipee spoke for the motion.

On a *viva voce* vote the motion to dispense the reference of the bill to a committee was adopted.

The bill being on its second reading, Mr. Duncan of Jaffrey offered the following amendment:

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *Repeal.* Chapter 167 of the Laws of 1939 is hereby repealed.

2. *Takes Effect.* This act shall take effect upon its passage.

The question being on the amendment offered by Mr. Duncan.

(Discussion ensued)

Messrs. Duncan of Jaffrey, Sherry of Dover, and Tilton of Ward 4, Laconia, spoke for the amendment.

Messrs. Merrow of Ossipee, Etsler of Claremont, and Sanderson of Pittsfield spoke against the amendment.

Mr. Chase of Manchester moved the previous question.

The question being,

Shall the main question now be put?

On a *viva voce* vote the previous question was ordered.

The question being on the amendment offered by Mr. Duncan of Jaffrey.

Mr. Duncan demanded the yeas and nays, and the roll was called with the following result:

**Yeas, 150**

ROCKINGHAM COUNTY: Stowe, Havican, Persson, Rand, Corson, Grinnell, Hepworth, Tozier, Miller of Greenland, Creighton, Labranche, Reinhart, Marston, Palfrey, Tucker.

STRAFFORD COUNTY: Sherry, Cronin, King, Garland, Brown of Dover, Lucas, Blanchard, Plummer, Conrad, Emerson of Rochester, Beaudoin, Potvin, Studley, Seavey, Nutter, Lagueux, Habel, Boucher, Dubois.

BELKNAP COUNTY: Rollins, O'Shan, Tarlson, Tilton, ward 3, Laconia, Tilton, ward 4, Laconia, Smith of New Hampton.

CARROLL COUNTY: Young of Tuftonboro.

MERRIMACK COUNTY: Guilbeault, Nichols, Woodbury of Bow, Morrill, Coakley, Kemp, Hancock, Osborne of Concord, Saltmarsh, Maxham, Harrison, Carignan, Lemire, Dempsey, Burnham, DuDevoir, Lafond, Cheney, Batchelder of Northfield, Boisvert of Pembroke, Dupont.

HILLSBOROUGH COUNTY: Pierce, Clark of Frances-town, Hambleton, Chase, Barry of Manchester, ward 3, Dwyer, Talty, McGowan, O'Neil, Dulac, O'Brien, Barry of Manchester, ward 6, Booth, Sullivan of Manchester, Benoit of Manchester, ward 7, Gagnon of Manchester, Gaumont, Poirier, Turcotte, Benoit of Manchester, ward 8, Bouthiette, Brousseau, Donnelly, Kane, Wedick, Driscoll, Carroll, Roukey, Aubin, Caron of Manchester, ward 12, Soucy, Gauthier, Rousseau, Whitaker, Carter, Goulet, Sullivan, Thomas F. of Nashua, Sullivan, Timothy J. of Nashua, Berube, Marquis, Moussette, Fournier, St. Francois, Shea of

Nashua, Goyette, Ledoux, Cormier, Senechal, Jones, Bass, Dugan.

CHESHIRE COUNTY: Moore, Clark of Harrisville, Duncan, Sawyer of Jaffrey, Batchelder, Callahan, Knowlton of Keene, Frissell, Lichman, Tarbox, Phelps, Bullock, Lane, Relihan.

SULLIVAN COUNTY: Warner, Kempton, Davison.

GRAFTON COUNTY: Tyler, Noyes of Bethlehem, Hodge, Leonard, French, Howard, Hoyt of Lebanon, Lagassie.

COOS COUNTY: Barden, Mason, Smith of Berlin, ward 1, Montminy, Palmer of Berlin, Bisson, Ramsey, Bixby, Gagnon of Berlin, Laforce, Willis, Peabody.

### Nays, 205

ROCKINGHAM COUNTY: Goodrich, Avery of East Kingston, Fecteau, Bourn, Pennell, Thompson of Exeter, Beede, Emerson of Hampstead, Adams of Hampton, Keay, Nesmith, Smith of Newfields, Hoyt of Newington, Willey, Prescott, Knowles, Palmer of Plaistow, Fransoso, Foote, Gray, Yeaton, Cogan, Burkhardt, Liberson, Quimby, Smith of Seabrook, Currier, Jewell of Stratham.

STRAFFORD COUNTY: Hayes of Barrington, Hayes of Dover, Loughlin, Fernald of Dover, Pilgrim, Smart, Hale, Pray, Greenfield, Berry.

BELKNAP COUNTY: Hier, Lord, Price, Roucher, Rivers, Greene, Simpson of Laconia, Brown of Meredith, Neal, Morse.

CARROLL COUNTY: Simpson of Bartlett, Mudgett, Russell of Conway, Gale, Fernald of Jackson, Nickerson, Banfield, Merrow, Knox, Vittum, Carpenter, Jewell of Wolfeboro.

MERRIMACK COUNTY: MacPhee, Sanborn of Chichester, Dunlap, Baker, Conlon, Nash, Sturtevant, Tilton of Concord, Bunten, Freeman, George, Hoyt of



Concord, Collins of Danbury, Milburn, Yeaton of Epsom, Maxfield, Shaw, Nelson of Hopkinton, Merrill of Loudon, Swift, Perkins, Sanderson, Anderson, Cloues, Stuart.

HILLSBOROUGH COUNTY: Bills, Graham, Wiggin, Powers, Michie, Brown of Goffstown, Tuttle, Boynton, Gay, Wilson, Smith of Hudson, Reid, Bergholtz, Daniels, Knowlton of Manchester, Barnard, Gage, Johnson, Woodbury of Manchester, ward 2, Shea of Manchester, Woodbury of Manchester, ward 3, Duffley, Gelinas, Boisvert of Manchester, Brown of Manchester, Caron of Manchester, ward 10, Head, Mullen, Duval, Wadleigh, Erlando, Atherton, Cooper, Underhill, Woodbury of Nashua, Duclos, Griswold, Lougee, Joyce, Wilcox, Shedd, Thompson of New Ipswich, Myhaver, Peaslee.

CHESHIRE COUNTY: Winslow, Thomas, Miller of Fitzwilliam, Hanson, Robertson, Martin, Dort, Gates, Duffy, Rice, Perry, Wheeler, Smith of Troy, Britton, Ingham, Nelson of Winchester.

SULLIVAN COUNTY: Hutchins of Charlestown, Babcock, Converse of Claremont, Etsler Hoyt, Howe, Hutchins of Claremont, Officer, Putnam, Russell of Claremont, Witherill, Barton, Hastings, Hall, Donovan, Maley, Rowell of Newport, Whitney, Osborne of Sunapee, Callum.

GRAFTON COUNTY: Bailey of Bath, Coolidge, Pulsifer, Campbell, Ashley, Walbridge, Batchelder of Hanover, Tuxbury, Craig, Dean, Strobridge, Smith of Hebron, Marden, Cannell, Dow, Collins of Lisbon, Hamilton, Bowker, Hildebrand, Whitcomb, Santy, Bailey of Lyme, Lufkin, Bell, Merrill of Plymouth, Taylor.

COOS COUNTY: Trottier, Christiansen, Congdon, Jackson, Emerson of Dalton, Stiles, Keough, Cryan, Hartford, Rowden, Converse of Pittsburg, Boothman, Hinman, McIntyre.

## Pairs

Mr. Ouellette of Dover voting Yes paired with Mr. Pattee of Goffstown voting No.

Mr. Jean of Manchester, voting Yes paired with Mr. Clark of Salisbury voting No.

Mr. Fox of Manchester, voting Yes, paired with Mr. Connolly of Manchester voting No.

Mr. Trombley of Nashua voting Yes, paired with Mr. Grandmaison of Nashua voting No.

Mr. Smith of Berlin, ward 2, voting Yes, paired with Mr. Phelan of Stark voting No.

The amendment offered by Mr. Duncan of Jaffrey was not adopted.

Mr. Sherry of Dover offered the following amendment.

Amend section 7 by striking out in the fourth line the word "five" and inserting in place thereof the words, two and one-half, so that said section as amended shall read as follows:

7. *Stamps.* The tax commission shall secure stamps, of such design and denomination as it shall prescribe, suitable to be affixed to packages of tobacco products as evidence of the payment of the tax imposed by this chapter. The commission shall sell such stamps to licensed distributors at a discount of two and one-half per cent of their face value, to encourage distributors to affix such stamps and compensate them for so doing, and to licensed dealers at their face value. The tax commission may in its discretion permit a licensed distributor or a licensed dealer to pay for such stamps within thirty days after the date of purchase, provided a bond satisfactory to the tax commission, in an amount not less than the sale price of such stamps, shall have been filed with the commission, conditioned upon payment for such stamps. The tax commission shall keep accurate

records of all stamps sold to each distributor and dealer and shall pay over all receipts from the sale of stamps to the state treasurer daily.

The question being on the amendment offered by Mr. Sherry.

(Discussion ensued)

Mr. Sherry of Dover spoke for the amendment.

Messrs. Baker of Concord and Sanderson of Pittsfield spoke against the amendment.

On a *viva voce* vote the amendment was not adopted.

Mr. Baker of Concord moved that the rules of the House be so far suspended as to permit the third reading and final passage of the bill at the present time, by title.

The question being on the motion of Mr. Baker.

(Discussion ensued)

Messrs. Baker of Concord, Duncan of Jaffrey and Sanderson of Pittsfield spoke for the motion.

Mr. Sherry of Dover spoke against the motion.

Mr. Baker of Concord temporarily withdrew his motion.

Mr. O'Shan of Laconia offered the following amendment.

Amend the ninth paragraph of section 1 by striking out the word, "July" in line three and inserting in place thereof the word, October, so that said section as amended shall read as follows:

5. *Tax Imposed.* A tax is hereby imposed at the rate of fifteen per cent upon the value of all tobacco products sold at retail in this state on and after October 1, 1939, measured by the usual selling price. The payment of the tax shall be evidenced by affixing stamps to the smallest packages containing the tobacco products in which such products usually are sold at retail, but the word package as used herein shall

not include individual cigars, cigarettes, or plugs or hanks of chewing tobacco, and such stamps shall be affixed in denominations of not less than one-half cent to an aggregate value nearest the tax hereby imposed. No tax is imposed on any transactions the taxation of which by this state is prohibited by the Constitution of the United States.

Amend the seventeenth paragraph of section 1 by striking out "June 30", in line three and inserting in place thereof the following, October 1, so that said section as amended shall read as follows:

20. *Takes Effect.* Sections 1, 6, 7, 8, 9, 10, 11, 12, 14, 16, 18 and 19 of this act shall take effect upon its passage, and the remaining sections shall take effect October 1, 1939.

The question being on the amendment offered by Mr. O'Shan.

(Discussion ensued)

Mr. O'Shan of Laconia spoke for the amendment.

Mr. Baker of Concord spoke against the amendment.

On a *viva voce* vote the amendment was not adopted.

Mr. Baker of Concord moved that the rules of the House be so far suspended to permit the third reading and final passage of the bill at the present time, by title.

The question being on the motion of Mr. Baker.

Mr. Fernald of Dover moved the previous question.

The question being,

Shall the main question now be put?

On a *viva voce* vote the previous question was ordered.

The question being on the motion of Mr. Baker.

The speaker called for a division.

A division being had 259 members voted in the affirmative and 44 members voted in the negative and

the motion to suspend the rules to permit the third reading of the bill and final passage at the present time prevailed.

The bill was then read a third time.

The question being,

Shall the bill pass?

Mr. Caron of Ward 12 Manchester demanded the yeas and nays and the roll was called with the following result.

### Yeas, 218

ROCKINGHAM COUNTY: Stowe, Persson, Goodrich, Avery of East Kingston, Bourn, Pennell, Tozier, Beede, Miller of Greenland, Emerson of Hampstead, Adams of Hampton, Creighton, Keay, Nesmith, Smith of Newfields, Hoyt of Newington, Willey, Prescott, Knowles, Palmer of Plaistow, Fransoso, Foote, Marston, Yeaton, Cogan, Burkhardt, Liberson, Quimby, Smith of Seabrook, Currier, Jewell of Stratham.

STRAFFORD COUNTY: Hayes of Barrington, Hayes of Dover, Loughlin, Fernald of Dover, Garland, Pilgrim, Smart, Hale, Emerson of Rochester, Greenfield, Berry.

BELKNAP COUNTY: Hier, Lord, Price, Roucher, Rivers, Greene, Simpson of Laconia, Brown of Meredith, Neal, Morse.

CARROLL COUNTY: Simpson of Bartlett, Mudgett, Russell of Conway, Gale, Fernald of Jackson, Nickerson, Banfield, Merrow, Knox, Vittum, Carpenter, Jewell of Wolfeboro.

MERRIMACK COUNTY: MacPhee, Morrill, Dunlap, Baker, Conlon, Sturtevant, Tilton of Concord, Bunten, Freeman, Hoyt of Concord, Collins of Danbury, Milburn, Yeaton of Epsom, Maxfield, Shaw, Burnham, Nelson of Hopkinton, Merrill of Loudon, Cheney, Swift, Perkins, Sanderson, Anderson, Cloues, Stuart.

HILLSBOROUGH COUNTY: Bills, Graham, Wiggin, Powers, Michie, Brown of Goffstown, Pattee, Boynton, Tuttle, Gay, Wilson, Smith of Hudson, Reid, Berg-holtz, Daniels, Knowlton of Manchester, Barnard, Gage, Johnson, Woodbury of Manchester, Ward 2, Woodbury of Manchester, ward 3, Duffley, Connolly, Gaumont, Gelinas, Boisvert of Manchester, Brown of Manchester, Caron of Manchester, ward 10, Head, Mullen, Duval, Whitaker, Wadleigh, Erlando, Ather-ton, Cooper, Underhill, Woodbury of Nashua, Duclos, Griswold, Sullivan, Thomas F. of Nashua, Shea of Nashua, Ledoux, Lougee, Grandmaison, Joyce, Wilcox, Shedd, Thompson of New Ipswich, Myhaver, Peaslee.

CHESHIRE COUNTY: Moore, Winslow, Thomas, Miller of Fitzwilliam, Hanson, Robertson, Martin, Dort, Gates, Duffy, Tarbox, Rice, Perry, Britton, Ingham, Nelson of Winchester.

SULLIVAN COUNTY: Hutchins of Charlestown, Babcock, Converse of Claremont, Etsler, Holt, Howe, Hutchins of Claremont, Officer, Putnam, Russell of Claremont, Witherill, Barton, Hastings, Hall, Donovan, Maley, Rowell of Newport, Whitney, Osborne of Sunapee, Callum.

GRAFTON COUNTY: Bailey of Bath, Coolidge, Pulsifer, Campbell, Ashley, Walbridge, Hodge, Batchelder of Hanover, Tuxbury, Craig, Dean, Strobridge, Smith of Hebron, Marden, Cannell, Dow, Collins of Lisbon, Hamilton, Bowker, Hildebrand, Whitcomb, Santy, Bailey of Lyme, Lufkin, Bell, Merrill of Plymouth, Taylor.

COOS COUNTY: Trottier, Christiansen, Congdon, Jackson, Emerson of Dalton, Stiles, Keough, Hartford, Rowden, Converse of Pittsburg, Boothman, Phelan, Hinman, McIntyre.



## Nays, 127

ROCKINGHAM COUNTY: Havican, Rand, Grinnell, Hepworth, Labrance, Reinhart, Gray, Palfrey, Tucker.

STRAFFORD COUNTY: Sherry, Cronin, King, Brown of Dover, Lucas, Blanchard, Plummer, Conrad, Beaudoin, Potvin, Studley, Seavey, Nutter, Lagueux, Habel, Boucher, Dubois.

BELKNAP COUNTY: Rollins, O'Shan, Tarlson, Tilton, ward 3, Laconia, Smith of New Hampton.

CARROLL COUNTY: Young of Tuftonboro.

MERRIMACK COUNTY: Guilbeault, Nichols, Sanborn of Chichester, Coakley, Hancock, Osborne of Concord, Saltmarsh, Maxham, Harrison, Carignan, Lemire, Dempsey, DuDevoir, Lafond, Batchelder of Northfield, Boisvert of Pembroke, Dupont.

HILLSBORO COUNTY: Pierce, Clark of Francestown, Hambleton, Chase, Dwyer, Talty, McGowan, O'Neil, Dulac, O'Brien, Barry of Manchester, ward 6, Booth, Sullivan of Manchester, Benoit of Manchester, ward 7, Gagnon of Manchester, Poirier, Turcotte, Benoit of Manchester, ward 8, Bouthiette, Brousseau, Donnelly, Kane, Wedick, Driscoll, Carroll, Roukey, Aubin, Caron of Manchester, ward 12, Soucy, Gauthier, Carter, Goulet, Sullivan, Timothy J. of Nashua, Berube, Marquis, Moussette, Fournier, St. Francis, Cormier, Senechal, Jones, Bass, Dugan.

CHESHIRE COUNTY: Clark of Harrisville, Duncan, Sawyer of Jaffrey, Batchelder, Callahan, Knowlton of Keene, Frissell, Lichman, Phelps, Bullock, Wheeler, Smith of Troy, Relihan.

SULLIVAN COUNTY: Warner, Kempton, Davison.

GRAFTON COUNTY: Tyler, Noyes of Bethlehem, Leonard, French, Howard, Hoyt of Lebanon, Legassie.

COOS COUNTY: Barden, Mason, Smith of Berlin, ward 1, Montminy, Palmer of Berlin, Bisson, Ramsey, Bixby, Gagnon of Berlin, Laforce, Willis, Peabody.

## Pairs

Mr. Kemp of Concord voting No paired with Mr. Nash of Concord voting Yes.

The bill passed and was sent to the Senate for concurrence.

On motion of Mr. Barnard of Manchester, the rules were suspended to allow for the presentation of a committee report which had not previously been advertised in the Journal.

Mrs. Caron of Manchester, for the Special Committee, consisting of the Delegation from Manchester, to whom was referred House Bill No. 231, An act relating to salaries of clerks of municipal courts, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The undersigned, a Minority of the Manchester Delegation, to whom was referred House Bill No. 231, An act relating to salaries of clerks of municipal courts, and being unable to agree with the majority, reported the same with the recommendation that the bill ought to pass.

CHARLES H. BARNARD,  
STODDARD B. E. CHASE,  
MICHAEL J. DWYER,  
MARJORIE S. WOODBURY,  
JOEL S. DANIELS,  
VICTOR C. JOHNSON,  
EDW. T. KNOWLTON,  
C. V. KIMBALL,  
JOHN SULLIVAN,  
MICHAEL P. WEDICK,

*A Minority of the Committee.*

The reports were accepted.

Mr. Barnard of Manchester moved to substitute the

report of the minority "ought to pass" for the report of the majority "inexpedient to legislate."

The question being on the motion to substitute.

(Discussion ensued)

Messrs. Barnard and Gelinis of Manchester spoke for the motion.

Messrs. Duffley, Carroll, and O'Brien of Manchester spoke against the motion.

Mr. Wedick of Manchester moved the previous question.

The question being,

Shall the main question now be put?

On a *viva voce* vote the previous question was ordered.

The question being on the motion to substitute the report of the minority "ought to pass" for the report of the majority "inexpedient to legislate."

On a *viva voce* vote the negative appeared to prevail.

Mr. Barnard of Manchester called for a division.

A division being had 191 members voted in the affirmative and 102 members voted in the negative and the motion to substitute prevailed.

Mr. Barnard of Manchester offered the following amendment:

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1. Amend section 8, chapter 323 of the Public Laws by striking out the words "seven hundred and fifty" and inserting the words, twelve hundred, and by striking out the word "quarterly" and inserting the word, monthly, so that said section as amended shall read as follows:

8. *Salaries.* The clerk of the Manchester municipal court shall receive an annual salary of twelve

hundred dollars, to be paid by said city in monthly payments; the salaries of all other clerks of municipal courts in cities or towns of five thousand population or more shall be not less than one hundred and fifty dollars, and as much more as the city or town in which such court is located may vote to pay.

2. *Takes Effect.* This act shall take effect upon its passage.

On a *viva voce* vote the amendment was adopted and the bill ordered to a third reading.

On motion of Mr. Sanderson of Pittsfield the rules were suspended to allow for the presentation of a committee report which had not previously been advertised in the Journal.

Mr. Sanderson of Pittsfield, for the Committee on Appropriations, to whom was referred House Bill No. 436, An act relating to the acquisition of certain land in the town of Moultonborough, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Normandin of Laconia for the Committee on Judiciary, to whom was referred House Bill No. 199, An act to provide for the judicial review of administrative findings, orders and decisions, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Normandin of Laconia, for the Committee on Judiciary, to whom was referred House Bill No. 433, An act relating to the New Hampshire Water Resources Board, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Normandin of Laconia, for the Committee on Judiciary, to whom was referred House Bill No. 435, An act to provide for reimbursement on account of loss to towns and cities for loss in tax valuation incidental to flood control projects, reported the same with the following amendments, and the recommendation that the bill as amended ought to pass.

Amend by inserting after section 1 the following new section:

2. *Equalization.* The valuation upon which the reimbursement provided by section 1 hereof is based shall be included in computing town and county taxes and equalization of school and highway costs for the period during which such reimbursement is made.

Further amend by renumbering section 2 to read section 3.

The report was accepted, the amendments adopted and the bill referred to the Committee on Appropriations under the rules.

Mr. Normandin of Laconia, for the Committee on Judiciary, to whom was referred House Bill No. 422, An act to repeal charters of certain corporations, reported the same with the following amendments, and the recommendation that the bill as amended ought to pass.

Amend by striking out in line twenty-nine of section 1 the words and figures "Berg's Shoe Store, Inc. (Nashua, 1935)".

Further amend by striking out in line one hundred and sixteen of section 1 the words and figures "Granite State Nurseries, Inc. (Exeter, 1930)".

Further amend by striking out in line one hundred and forty-nine the words and figures "Lewis Motor Co. Inc., The (Lebanon, 1936)".

Further amend by inserting before the words "Lake Tarleton Corporation" in line one hundred and forty-

three of section 1 the words and figures "Lakewood Manor, Inc. (Newbury, 1935)".

Further amend by inserting before the words "Davis Hardware Stores, Inc." in line sixty-eight the words and figures "Delta Sigma Alumni of Alpha Tau Omega, Inc. (Hanover, 1934)".

Further amend by inserting after the words "Grove-ton Electric Light Company" in line one hundred and twenty-three the words and figures "Guay & Tardif, Inc. (1929, Laconia)".

The report was accepted, the amendments adopted and the bill ordered to a third reading.

Mr. Normandin of Laconia, for the Committee on Judiciary, to whom was referred House Bill No. 351, An act permitting trustee process to be served on the state in personal actions against state officials or employees, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 by adding at the end thereof the following: "and provided further that the state treasurer shall not be chargeable unless the writ shall be served upon him before the check for such salary or wages has left his custody"; so that said section as amended shall read as follows:

1. The salary or wages of any state official or employee for services rendered or labor performed for the state before the service of a writ shall be subject to trustee process in accordance with the provisions of chapter 356 of the Public Laws, as amended. The trustee writ shall be served upon the state treasurer who shall be chargeable as any other trustee, providing, however, that if the writ is duly entered in court the treasurer shall discharge himself by paying to the clerk of that court such portion of said salary or wages as is due or payable at the time of service



of said writ on the treasurer; and provided further that the state treasurer shall not be chargeable unless the writ shall be served upon him before the check for such salary or wages has left his custody.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mr. Barnard of Manchester, for the Committee of Revision of the Statutes, to whom was referred House Bill No. 437, An act relative to examinations for the practice of optometry, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 by inserting after the word "States" in line three the words, or a Canadian province in which like privileges are granted to citizens of the United States; further amend said section by inserting after the word "States" in line five the words, or a Canadian province in which like privileges are granted to citizens of the United States, so that said section as amended shall read as follows:

1. *The Practice of Optometry.* Amend section 8 of chapter 207 of the Public Laws by inserting after the word "person" in the first line the words, who is a citizen of the United States or a Canadian province in which like privileges are granted to citizens of the United States, so that said section as amended shall read as follows:

8. *Examinations.* Any person who is a citizen of the United States or a Canadian province in which like privileges are granted to citizens of the United States may appear before said board at any of its regular meetings and be examined with reference to his knowledge and skill in optometry.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

### Taken from the Table

On motion of Mr. Conlon of Concord, House Bill No. 431, An act relative to bonds required of wholesale permittees for the sale of certain alcoholic beverages was taken from the table.

The question being on the amendments offered by the committee.

Mr. Conlon of Concord, for the Committee on Liquor Laws, moved that the House consider the following amendment:

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1. *Wholesalers and Manufacturers.* Amend chapter 99 of the Laws of 1933 by inserting after section 22, as inserted by section 4, chapter 134, Laws of 1939, the following new section: 22-a. *Bond Required.* Each wholesaler or manufacturer holding a permit under the provisions hereof shall annually give to the state of New Hampshire a bond satisfactory to the commission and in such amount as it may determine, conditioned upon the payment of the fees required under the provisions of this chapter. The amounts due under said bond shall be recoverable in an action of debt to be brought by the attorney-general upon complaint of said commission.

The question being on the amendment.

(Discussion ensued)

Mr. Conlon of Concord spoke for the amendment.

On a *viva voce* vote the amendment was adopted.

Mr. Conlon of Concord, for the Committee on Liquor Laws, moved that the House consider the following amendment:

Amend said bill by inserting after section 1 the following new section:

2. *Carrier and Vehicle Permits.* Amend chapter 99, Laws of 1933, by inserting after section 16 the following new section: 16-a. *Restriction.* No holder of a carrier or vehicle permit who also holds a wholesalers permit shall operate or cause to be operated a motor vehicle upon the highways of this state for the transportation of beverages and at the same time permit or cause to be transported in such motor vehicle any other saleable merchandise of any character whatsoever, whether consigned for resale, gift or premium.

Amend said bill renumbering section 2 to read section 3.

The question being on the amendment.

(Discussion ensued)

Mr. Conlon of Concord spoke against the amendment.

On a *viva voce* vote the amendment was not adopted.

Mr. Saltmarsh of Concord offered the following amendment:

Amend by striking out all after the enacting clause and inserting in place thereof the following:

1. *Requirements.* Amend section 25 of chapter 99 of the Laws of 1933, as amended, by striking out said section and inserting in place thereof the following: 25. *Reports.* Each manufacturer and wholesaler of beverages within the state of New Hampshire shall, on or before the tenth day of each month, furnish to the commissioners, on a form to be prescribed by the commissioners, a statement under oath showing the quantity of beverages sold for resale during the preceding calendar month to each on-sale and off-sale permittee within the state of New Hampshire. Each on-sale and off-sale permittee shall, on or before the tenth day of each month, furnish to the commissioners, on a form to be prescribed by the commissioners, a

statement showing the quantity of all beverages sold by him during the preceding calendar month. Each holder of an on-sale or off-sale permit shall also at the time of filing said report pay to the commissioners that part of the permit fee which shall be due at the time of filing said report as provided in section 21 hereof. For failure to pay any part of the permit fee when due ten per cent thereof shall be added and collected by the commission and shall become part of the permit fee.

2. *Repeal.* Chapter 134 of the laws of 1939, relative to the payment by wholesale permittees of certain fees for the sale of certain alcoholic beverages, is hereby repealed.

3. *Takes Effect.* This act shall take effect upon its passage.

The question being on the amendment offered by Mr. Saltmarsh.

(Discussion ensued)

Mr. Saltmarsh of Concord spoke in favor of the amendment.

Mr. Conlon of Concord spoke against the amendment.

On a *viva voce* vote the amendment was not adopted.

The bill was then ordered to a third reading.

Mr. Conlon of Concord moved to reconsider the vote whereby the House ordered the bill to a third reading.

On a *viva voce* vote the motion to reconsider prevailed.

Mr. Conlon of Concord, for the Committee, on Liquor Laws, offered the following amendment:

Amend the title of said bill by adding the word

“manufacturers” so that said title shall read as follows:

An act relative to bonds of wholesaler and manufacturer permittees for the sale of certain alcoholic beverages.

On a *viva voce* vote the amendment was adopted and the bill ordered to a third reading.

### Taken from Table

On motion of Mr. Winslow of Chesterfield, House Bill No. 327, An act establishing a commission for the purpose of studying the possibilities of protecting individuals unemployed because of sickness or ill health was taken from the table.

The question being on the amendments sent down by the Honorable Senate.

Mr. Winslow of Chesterfield moved that the House non-concur and that a Committee of Conference be appointed.

On a *viva voce* vote the motion prevailed.

The Speaker appointed as members of such committee on part of the House Messrs. Winslow of Chesterfield, Baker of Concord, and Duncan of Jaffery.

On motion of Mr. Merrow of Chesterfield, House Bill No. 350, An act to amend and clarify the law relating to motor vehicles, was taken from the table.

The question being on the amendments sent down from the Honorable Senate.

On motion of Mr. Merrow of Ossipee the House concurred in the amendments sent down from the Honorable Senate.

The bill was then sent to the Secretary of State to be engrossed.

### Unfinished Business

Mr. Boynton of Hillsboro called for the unfinished business.

House Bill No. 339, An act for the construction and equipment of a liquor warehouse and office building.

The question being on the motion that the bill and its accompanying amendment be indefinitely postponed.

(Discussion ensued)

Messrs. Chase, Woodbury, Ward 2 of Manchester and Greene of Laconia spoke for the motion.

Messrs. Officer of Claremont, Sanderson of Pittsfield and Seavey of Rochester spoke against the motion.

Mr. Palmer of Plaistow moved the previous question.

The question being,

Shall the main question now be put?

On a *viva voce* vote the previous question was ordered.

The question being on the motion that the bill and its accompanying amendment be indefinitely postponed.

On a *viva voce* vote the negative appeared to prevail.

Mr. Chase of Manchester called for a division.

A division being had 176 members voted in the affirmative and 151 members voted in the negative and the motion to indefinitely postpone the bill and its accompanying amendment was adopted.

### Committee of Conference

The Committee of Conference on House Joint Resolution No. 73 having considered the same recommended that the House recede from its position of non-concurrence and that the Senate recede from its position in adopting its amendments and that the



House and Senate adopt the following amendment: Amend said resolution by striking out all after the resolving clause and inserting in place thereof the following:

That the sum of one hundred thousand dollars (\$100,000) is hereby appropriated and made available for the period from the date of the passage hereof until June 30, 1941, said sum to be expended by the forestry and recreation department, with the approval of the governor and council, (1) thirty thousand dollars (\$30,000) for the state's portion of expenses of fighting forest and brush fires as provided by sections 23 and 26 of chapter 191 of the Public Laws, as amended by chapter 133, Laws of 1929, and (2) seventy thousand dollars (\$70,000) to provide additional administrative assistance, patrol by the state and in cooperation with the towns and other agencies, services of fire wardens on inspection and other preventive work, fire plans, maps and materials for educational programs, operation and maintenance of extra fire lookout stations and telephone lines, aid to towns in securing adequate tool supplies for fire fighting purposes, state power pumps and hose for use of groups of towns, trucks fully equipped for general emergency calls and such other materials, supplies, equipment and services as may be needed. An additional sum of eight thousand dollars (\$8,000) is hereby appropriated and made available for the period from July 1, 1939, to January 1, 1940, to be expended by the forestry and recreation department, with the approval of the governor and council, for continuing the emergency timber salvage advisory work in the public interest. The governor is hereby authorized to draw his war-

rants for the sums hereby appropriated out of any money in the treasury not otherwise appropriated.

GEORGE W. BOYNTON,  
FRANK W. EMERSON,  
HARRY A. MERRILL,

*Conferees on the part of the House.*

HARRY P. SMART,  
L. E. MITCHELL,

*Conferees on the part of the Senate.*

On motion of Mr. Boynton of Hillsboro the report of the Committee of Conference was adopted.

The Committee of Conference on House Bill No. 356, having considered the same, reported the same with the following recommendation: That the House recede from its position of non-concurrence and that the Senate recede from its position in adopting its amendments and that the Senate and House adopt the following amendments to the bill:

Amend section 6 of section 1 of said bill by striking out the same and inserting in place thereof the following:

6. *Assistants.* Said superintendent shall appoint such assistants as he may require, specify their work and fix their compensation. The superintendent, with the approval of the governor and council, may designate any employee of his department to act as assistant superintendent.

Amend said bill by inserting after section 4 the following new section:

5. *Duties of Secretary of State.* During the period from July 1, 1939, to June 30, 1941, the secretary of state shall have charge of all matters relating to the care, maintenance and repair of the Daniel Webster birthplace and the grounds connected therewith.

Amend section 5 of said bill by striking out the same and inserting in place thereof the following and re-numbering the same:

6. *Takes Effect.* The provisions of chapter 7 of the Public Laws, as hereinbefore amended, relative to the care and maintenance of the Daniel Webster birth-place by the superintendent of state buildings and grounds, being section 5 of said chapter 7, shall take effect as of July 1, 1941, but all other provisions of this act shall take effect as of July 1, 1939.

GEORGE W. BOYNTON,  
CHARLES B. OFFICER,  
LEO L. OSBORNE,

*Conferees on the part of the House.*

WILLIAM M. COLE,  
CHARLES F. BUTLER,

*Conferees on the part of the Senate.*

On motion of Mr. Etsler of Claremont the report of the Committee of Conference was adopted.

### Message from the Senate

A message from the Honorable Senate by its Clerk announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bill, sent up from the House of Representatives.

House Bill No. 438, An act relating to the taxation of tobacco products.

The message further announced that the Senate had voted to concur with the House of Representatives in the passage of the following joint resolutions, sent up from the House of Representatives:

House Joint Resolution No 17, Joint resolution in favor of Everett Hunnewell.

House Joint Resolution No. 76, Joint resolution in favor of Joseph Caron.

House Joint Resolution No. 77, Joint resolution in favor of Emma S. McGirr.

The message further announced that the Senate had voted to concur with the House of Representatives in its amendment to the following entitled bill.

Senate Bill No. 51, An act relating to Union School District in Keene.

The message further announced that the Senate concurred with the House of Representatives in the passage of the following joint resolutions, with amendments, in the passage of which amendments the Senate asked the concurrence of the House of Representatives:

House Joint Resolution No. 67, (new draft), Joint resolution in favor of Clyde Hudson and others.

Amend the last sentence of said resolution by striking out the same and inserting in place thereof the following:

The sums hereby appropriated shall be in full settlement of said claims and shall be a charge upon the highway funds.

On motion of Mr. Baker of Concord the House concurred in the adoption of the amendments sent down from the Honorable Senate.

The bill was then sent to the Secretary of State to be engrossed.

The message also announced that the Senate concurred with the House of Representatives in the passage of the following entitled bills, with amendments, in the passage of which amendments the Senate asked the concurrence of the House of Representatives:

House Bill No. 358, An act creating a state aeronautics commission.

Amend House Bill 358 by striking out the entire contents thereof and substituting therefor the following:

An act relating to the development of aeronautical facilities.

### General Provisions

1. *Name of Act.* This act shall be known and may be cited as the New Hampshire Aeronautics Act of 1939.

2. *Declaration of Purpose.* It is hereby declared that the purpose of this act is to further the public interest by:

(a) The encouragement and development of an air transportation system properly adapted to the present and future needs of the state by the establishment, construction and maintenance of air navigation facilities to meet these needs.

(b) The encouragement and development of civil aeronautics.

3. *Definitions.* As used in this act, unless the context otherwise requires:

I. "Aeronautics" means the science and art of flight.

II. "Air navigation facility" means any facility used in, available for use in, or designed for use in aid of air navigation, including landing areas, lights, any apparatus or equipment for disseminating weather information, for signaling, for radio-directional finding, or for radio or other electrical communication, and any other structure or mechanism having a similar purpose for guiding or controlling flight in the air or the landing and takeoff of aircraft.

III. "Airport" means a landing area providing certain specified facilities and services for use in connection with air transportation.

IV. "Landing Area" means any locality, either of land or water, including airports and intermediate landing fields which is used, or intended to be used, for the landing and take-off of aircraft, whether or not facilities are provided for the shelter, servicing, or repair of aircraft, or for receiving or discharging passengers or cargo.

### Director of Aeronautics

4. *Appointment.* There is hereby created the office of director of aeronautics. Said director shall be appointed by the governor with the advice and consent of the council, and shall serve for an indefinite term, at the pleasure of the governor and council.

5. *Compensation.* The director shall receive such compensation as the governor and council may determine, and shall be reimbursed for all traveling and other expenses incurred by him in the discharge of his official duties.

6. *Duties.* The director, immediately after appointment shall prepare and present to the governor and council a comprehensive, state-wide program for the development, construction and maintenance of air navigation facilities, with preliminary plans and estimates of cost, and the recommended apportionment of these costs between the state and local municipalities. The director shall, with the approval of the governor and council, execute all matters pertaining to the promotion and development of aeronautics in the state. The director shall exercise general supervision, control and direction, on behalf of the state, over all matters pertaining to the location, construction and maintenance of all air navigation facilities, now or hereafter built or maintained, either in whole or in part, with money appropriated from the



state treasury. He may recommend to the governor and council that the state acquire land, easements and rights of way for the establishment of air navigation facilities.

### State Airways System

7. *Establishment Authorized.* The director, with the approval of the governor and council, shall establish a state airways system, consisting of landing areas (both land and water), airport and airway marking and lighting, and other aids to air navigation, adequate for air transportation service to the entire state. The system shall be supplementary to the federal airways system and such parts of it as are provided and maintained by federal agencies within the state. The system may include all air navigation facilities maintained for public use, whether publicly or privately owned, under such terms and conditions as meet the approval of the commission.

8. *Public Ownership.* The state is hereby authorized to acquire, construct, maintain, and operate, any air navigation facility, and may do so jointly with the United States, other states, or with any governmental unit of the state.

9. *Suits Affecting.* The construction, maintenance and operation of air navigation facilities is hereby declared a public governmental function, and no action or suit shall be brought or maintained against the state, or any county or town thereof, or its officers, agents, servants, or employees, in or about the construction, maintenance, operation, superintendence, or management of any air navigation facility.

10. *Acceptance of Federal Aid.* The state and the towns are hereby authorized to accept funds from the United States for the construction and maintenance of

air navigation facilities. The director is hereby authorized to act for the state and towns with representatives of the federal government, in all matters pertaining to acceptance of such federal aid.

11. *Use of Air Navigation Facilities.* There shall be no exclusive right for the use of any landing area or air navigation facility upon which state or federal funds have been expended. Provided, that the state acquiring air navigation facilities under the provisions of this act, is authorized to construct for or lease to any person the use of the facilities, and may establish reasonable rent or fees therefor.

12. *Appropriation.* For the purpose of this act, there is hereby appropriated the sum of five thousand dollars annually and the governor is hereby authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

13. *Saving Clause.* In any case any phrase or provision hereof shall be declared unconstitutional, the remaining provisions shall not by reason thereof be invalid and the remainder of the act and its application shall not be affected thereby.

14. *Takes Effect.* This act shall take effect upon its passage.

Reading of the amendments having commenced, on motion of Mr. Etsler of Claremont further reading of the amendments was dispensed with.

Mr. Etsler of Claremont moved that the House non-concur and asked that a Committee of Conference be appointed.

On a *viva voce* vote the motion was adopted.

The Speaker appointed as members of such committee on part of the House Messrs. Etsler of Claremont, Seavey of Rochester, and Osborne of Sunapee.

### Resolution

Mr. Wadleigh of Milford offered the following resolution:

#### In Recognition of the Golden Anniversary of Mr. and Mrs. Charles S. Emerson

*Whereas*, the member from Milford, Honorable Charles S. Emerson and his wife, Mrs. Stella Abbott Emerson, were married fifty years ago today, June 13, 1889 and are out of the state on a family party tour, therefore be it

*Resolved*, That this House of Representatives of the General Court of New Hampshire hereby extend to Mr. and Mrs. Emerson our heartiest congratulations and wish them many more years of happy home and public life, and be it further

*Resolved*, That we express our surprise and add that we are "astounded" that so young looking a couple and such an active and able man in public affairs as Mr. Emerson is has been married for fifty years, and be it still further

*Resolved*, That the Clerk of the House be instructed to forward a copy of these resolutions to Mr. and Mrs. Charles S. Emerson.

On a *viva voce* vote the resolution was unanimously adopted by a rising vote.

On motion of Mr. Fernald of Dover the House adjourned from the morning session.

The House was immediately called to order in afternoon session.

### Afternoon

#### Third Readings

On motion of Mr. Fernald of Dover the rules were suspended and the third readings of bills by their titles made in order.

House Bill No. 351, An act permitting trustee process to be served on the state in personal actions against state officials or employees.

House Bill No. 422, An act to repeal charters of certain corporations.

House Bill No. 431, An act relative to bonds of wholesaler and manufacturer permittees for the sale of certain alcoholic beverages.

House Bill No. 433, An act relating to the New Hampshire Water Resources Board.

House Bill No. 436, An act relating to the acquisition of certain land in the town of Moultonborough.

House Bill No. 437, An act relative to examination for the practice of optometry.

Severally read a third time and passed and sent to the Senate for concurrence.

House Bill No. 231, An act relating to salaries of clerks of municipal courts.

Read a third time.

The question being,

Shall the bill pass?

Mr. Carroll of Manchester moved that the bill be indefinitely postponed.

The question being on the motion to indefinitely postpone.

(Discussion ensued)

Mr. Barnard of Manchester spoke against the motion.

Mr. Barnard of Manchester called for a division but withdrew his request.

On a *viva voce* vote the motion to indefinitely postpone did not prevail.

Mr. Carroll of Manchester called for a division.

A division being had 54 members voted in the affirmative and 235 members voted in the negative and

the motion to indefinitely postpone did not prevail.

The question being.

Shall the bill pass?

On a *viva voce* vote the bill passed and was sent to the Senate for concurrence.

On motion of Mr. Congdon of Colebrook at 4:22 o'clock the House adjourned.

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WEDNESDAY, JUNE 14, 1939.

The House met at 11:00 o'clock.

Prayer was offered by the Rev. Cannell of Lebanon.

#### Leaves of Absence

Messrs. Johnson of Manchester and Nickerson of Madison were granted leave of absence for the day on account of important business.

Mr. Tuxbury was granted leave of absence for the day on account of attending a funeral.

#### Committee Reports

On motion of Mr. Baker of Concord the rules were suspended to allow for the presentation of three committee reports which had not previously been advertised in the Journal.

Mr. Baker of Concord, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 439, An act relative to the powers of the city council of the city of Dover, with the recommendation that the bill be referred to the Committee on Judiciary.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Judiciary.

Mr. King of Dover moved that the rules of the House be suspended and the order whereby House Bill No. 439, An act relative to the powers of the city council of the city of Dover was referred to the Committee on Judiciary be vacated and the bill be referred to a special committee consisting of the delegation from the city of Dover.

On a *viva voce* vote the motion was adopted.

Mr. Loughlin of Dover moved that the rules be suspended, the printing and reference of the bill to a committee be dispensed with.

The question being on the motion of Mr. Loughlin.

(Discussion ensued)

Messrs. Loughlin, Sherry and Fernald of Dover and Etsler of Claremont spoke in favor of the motion.

Mr. Hayes of Dover spoke against the motion.

The Speaker called for a division.

A division being had the Speaker declared the vote manifestly two thirds in the affirmative, and the motion of Mr. Loughlin prevailed.

Mr. Fernald of Dover moved that the rules be suspended, the bill be put upon its third reading and final passage, by title, at the present time.

On a *viva voce* vote the motion prevailed.

The bill was then read a third time and passed and sent to the Senate for concurrence.

### Escorted to Rostrum

Mr. Wadleigh of Milford escorted former Governor Robert P. Bass to the rostrum.

Mr. Sanderson of Pittsfield, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 440, An act relating to the department of state police, with the recommendation that the bill be referred to the Committee on Revision of the Statutes.



The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Revision of the Statutes.

Mr. Baker of Concord moved that the rules of the House be suspended, the printing of the bill and its reference to a committee be dispensed with.

The question being on the motion of Mr. Baker.

(Discussion ensued)

Mr. Baker of Concord spoke in favor of the motion.

On a *viva voce* vote the motion was adopted and the bill ordered to a third reading.

Mr. Baker of Concord, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 441, An act relative to trucks used for timber salvage, with the recommendation that the bill be referred to the Committee on Revision of the Statutes.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Revision of the Statutes.

Mr. Sanderson of Pittsfield moved that the rules of the House be suspended, the printing of the bill and its reference to a committee be dispensed with.

The question being on the motion of Mr. Sanderson.

On a *viva voce* vote the motion was adopted and the bill ordered to a third reading.

On motion of Mr. Sanderson of Pittsfield, the rules were suspended to allow for the presentation of a committee report which had not previously been advertised in the Journal.

Mr. Sanderson of Pittsfield, for the Committee on Appropriations, to whom was referred House Bill No. 435, An act to provide for reimbursement on account of loss to towns and cities for loss in tax valuation incidental to flood control projects, reported the same

with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend said bill by inserting after section 2 the following new section:

3. *Limitation.* The amount of state funds to be expended under this act shall not exceed the sum of thirty thousand dollars for any one tax year. In the event that said amount is insufficient to cover the purposes of this act then the towns entitled to benefits hereunder shall be reimbursed proportionately from said sum of thirty thousand dollars.

Further amend said bill by renumbering section 3 to read section 4.

The report was accepted, the amendment adopted and the bill ordered to a third reading.

Mr. Sanderson of Pittsfield moved that the rules of the House be suspended, that the bill be put upon its third reading and final passage by title at the present time.

On a *viva voce* vote the motion was adopted.

The bill was then read a third time and passed and sent to the Senate for concurrence.

Mr. Batchelder of Northfield, for the Committee on Claims, to whom was referred Senate Joint Resolution No. 4, Joint resolution in favor of Thomas J. Callahan, reported the same with the recommendation that the joint resolution ought to pass.

The report was accepted and the joint resolution referred to the Committee on Appropriations under the rules.

Mr. Batchelder of Northfield, for the Committee on Claims, to whom was referred Senate Joint Resolution No. 8, Joint resolution in favor of Charles Hashim, reported the same with the recommendation that the joint resolution ought to pass.

The report was accepted and the joint resolution referred to the Committee on Appropriations under the rules.

Mr. Normandin of Laconia, for the Committee on Judiciary, to whom was referred Senate Bill No. 72, An act relative to the inspection of new motor vehicles and vehicles whose ownership has been transferred, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend the title of said bill by striking out the entire title and inserting in place thereof the following: An act relative to the inspection of motor vehicles.

The report was accepted.

The question being on the amendment.

(Discussion ensued)

Mr. Etsler of Claremont spoke in favor of the amendment.

On a *viva voce* vote the amendment was adopted and the bill ordered to a third reading.

Mr. Sanderson of Pittsfield, for the Committee on Appropriations, to whom was referred House Bill No. 338, An act for improvements at the state prison, reported the same with the following amendments, and the recommendation that the bill as amended ought to pass.

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1. *Appropriation.* The sum of ninety-five thousand dollars (\$95,000) or so much thereof as may be necessary, is hereby appropriated for the construction and equipment of a building for additional accommodations at the state prison, said building to adjoin the present cell block and to extend to the present

north wall, and for additional kitchen and dining room equipment at the state prison.

Amend section 2 of said bill by striking out the same and inserting in place thereof the following:

2. *Federal Assistance.* The governor and council are hereby authorized to co-operate with and enter into such agreements with the federal government or any agency thereof as they may deem advisable to secure federal funds for the purposes of this act. In case such federal funds are secured for the purposes hereof said funds shall not be used in addition to the amount appropriated by the state hereunder but the total amount of federal and state funds to be expended for said purposes shall not exceed the sum of ninety-five thousand dollars.

Amend section 3 of said bill by striking out the same and inserting in place thereof the following:

3. *Bonds or Notes Authorized.* In order to provide the funds for the appropriation made by the state hereunder the state treasurer is hereby authorized, under the direction of the governor and council, to borrow upon the credit of the state a sum not exceeding ninety-five thousand dollars and for that purpose may issue bonds or notes in the name and on behalf of the state. Such bonds or notes shall be deemed a pledge of the faith and credit of the state.

Amend section 6 of said bill by striking out the same and inserting in place thereof the following:

6. *Short-Term Notes.* Prior to the issuance of the bonds or notes hereunder the treasurer, under the direction of the governor and council, may for the purposes hereof borrow money from time to time on short-term notes to be refunded by the issuance of the bonds or notes hereunder, provided however that at no one time shall the indebtedness of the state on such short-

term notes exceed the sum of ninety-five thousand dollars.

The report was accepted, the amendments adopted, and the bill ordered to a third reading.

Mr. Sanderson of Pittsfield moved that the rules of the House be suspended, that the bill be put upon its third reading and final passage, by title, at the present time.

On a *viva voce* vote the motion was adopted.

The bill was then read a third time and passed, and sent to the Senate for concurrence.

Mr. Carpenter of Wolfeboro, for the Committee on Fisheries and Game, to whom was referred House Bill No. 70, An act relating to license to hunt and fish, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

### Message from the Senate

A message from the Honorable Senate by its Clerk announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bills and joint resolutions, sent up from the House of Representatives:

House Bill No. 236, An act providing for improvements at the state sanatorium.

House Bill No. 275, An act relating to workmen's compensation.

House Bill No. 300, An act to make uniform the law with reference to trust receipts and pledges of personal property unaccompanied by possession in the pledgee.

House Joint Resolution No. 63, Joint resolution making an appropriation for the construction and equipment of a pigery at the state prison.

The message further announced that the Senate had voted to adopt the report of the Committee of Con-

ference on House Bill No. 356, An act relating to state house, state house annex, state library and Hannah Dustin monument.

House Joint Resolution No. 73, Joint resolution providing special emergency appropriations for forest fire protection.

The message further announced that the Senate had voted to adopt the amendments offered by the Committee on Engrossed Bills, to the following house bills, in the adoption of which amendments the Senate asked the concurrence of the House of Representatives:

Senate Bill No. 53, An act relative to Sunday work for employees engaged in the work of communications.

Amend the title of said bill by striking out the same and inserting in place thereof the following:

An act relative to Sunday work for employees of telegraph and telephone offices.

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1. *One Day Rest in Seven; Exceptions.* Amend section 47 of chapter 176 of the Public Laws, as inserted by chapter 130, Laws of 1933, and as amended by chapter 129, Laws of 1937, and chapter 70, Laws of 1939, by inserting after paragraph VII the following new paragraph: VIII. Employees of telegraph and telephone offices.

On motion of Mr. Tozier of Exeter the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bill.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 117, An act relating to the diseases of domestic animals.

Amend section 3 of said bill by inserting after the word "by" in the second line the words and figures, section 2, chapter 169, Laws of 1929, and



Amend section 5 of said bill by striking out the words "in line five" and inserting in place thereof the words, in the fifth line and by striking out the words "line six" and inserting in place thereof the words, the third line.

Amend section 6 of said bill by striking out the words "in line eight".

On motion of Mr. Putnam of Claremont the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 282, An act relating to investments of life insurance companies.

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1. *Life Insurance Companies.* Amend section 15 of chapter 278 of the Public Laws, as amended by chapter 56 of the Laws of 1929, by striking out said section and inserting in place thereof the following: 15. *Securities, etc.* Such companies shall invest their funds as follows:

I. In bonds of the United<sup>f</sup> States.

II. In loans secured by first mortgage on improved real estate subject to the following limitations: (a) Such loans shall not exceed fifty per cent of the value of the mortgaged property except in the case of loans on property in cities or towns where the mortgage provides for the amortization of the debt during the term of the loan or at a rate of not less than five per cent per annum after the first year, in which case loans shall not exceed sixty-six and two-thirds per cent of the value of the mortgaged property; (b) all insurable buildings considered a part of the value of the mortgaged real estate shall be insured for the benefit

of the mortgagee; (c) any mortgages taken in connection with the sale of real estate by any such company may be on terms as determined by the directors of the company or authorized committee thereof; (d) the value of mortgaged real estate may be determined by an appraisal made under oath of two freeholders resident in the county or city in which such real estate is located; (e) no such company shall invest in or loan upon the security of any one property more than two per cent of its total admitted assets.

III. In loans insured by the federal housing administrator.

IV. In such other bonds, obligations and securities as are a legal investment for New Hampshire savings banks at the time of such investment.

V. In loans upon the pledge of stock bonds or other obligations where the current value of such stock, bonds or obligations is at least twenty per cent more than the amount loaned thereon.

VI. In loans upon its own policies to an amount not exceeding the reserve against the policy at the time such loan is made thereon.

On motion of Mr. Chase of Manchester the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 404, An act relative to the operation of motor vehicles of non-residents on the highways of this State.

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1. *Definitions.* Amend paragraph XVII of section 1, chapter 99, Public Laws, by striking out the word

“three” and inserting in place thereof the word, six so that said paragraph as amended shall read as follows: XVII. “Non-resident” a person who has no regular place of abode or business in this state for a period of more than six months continuously in the calendar year.

On motion of Mr. Barnard of Manchester the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

The message further announced that the Senate concurred with the House of Representatives in the passage of the following entitled bills, with amendments, in the passage of which amendments the Senate asked the concurrence of the House of Representatives:

House Bill No. 64, An act providing for the remodeling of the old main building at the State Industrial School.

Amend section 2 of the bill by striking out all after the word “act” in the fourth line and inserting in place thereof the words, In case such federal funds are secured for the purposes hereof said funds may be used in addition to the amount appropriated by the state hereunder; so that said section as amended will read:

2. *Federal Assistance.* The governor and council are hereby authorized to co-operate with and enter into such agreements with the federal government or any agency thereof as they may deem advisable to secure federal funds for the purposes of this act. In case such federal funds are secured for the purposes hereof said funds may be used in addition to the amount appropriated by the state hereunder.

On motion of Mr. Gay of Hillsboro the House concurred in the adoption of the amendments sent down from the Honorable Senate.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 392, An act authorizing agricultural co-operative associations to generate, transmit, and distribute electric energy and to conduct other services in connection therewith.

Amend House Bill No. 392, as amended, by striking out in paragraph I of sub-section 3-a the words "provided, however, that such service shall be rendered only to persons not receiving central station electric service on the effective date of this amendment and to such other persons as the Public Service Commission may find, upon petition and after notice and hearing, should in the public interest be so served;" and inserting in place thereof the following: "provided, however, that such service shall be rendered only to persons residing on premises not receiving central station service on the effective date of this amendment and to such other persons as the Public Service Commission may find upon petition and after notice and hearing, that it is in the public interest that such association should render such services;" so that said paragraph number I, as amended, will read as follows:

I. To generate, manufacture, purchase, acquire, accumulate and transmit electric energy, and to distribute, sell, supply and dispose of electric energy to its members, to governmental agencies and political subdivisions, and to other persons not in excess of ten per centum (10%) of the number of its members, but no person shall become a member unless such person shall agree to use electric energy furnished by the co-operative when such electric energy shall be available through its facilities, and membership shall cease if

such person shall fail or refuse to use electric energy made available by the co-operative or if electric energy shall not be made available by the co-operative within a specified time after such person shall have become a member; provided, however, that such service shall be rendered only to persons residing on premises not receiving central station service on the effective date of this amendment and to such other persons as the Public Service Commission may find upon petition and after notice and hearing, that it is in the public interest that such association should render such service; and provided, further, that the provisions of section 7 of chapter 224 of the Public Laws as amended by section 2 of chapter 73, Laws of 1933, with respect to qualifications of members shall not apply to members of a co-operative association organized under this paragraph:

Amend section 3-c by striking out the words "this paragraph" in line 2 and inserting the words "section 3-a"; so that said section as amended will read:

3-c. *Reports.* Co-operative Associations organized under section 3-a shall be subject to the provisions of section 7 and sections 12 to 18 inclusive of chapter 240 of the Public Laws, provided, however, that if any such association shall file annually with the Public Service Commission, a certified copy of the annual report required to be filed by it with any agency or department of the United States of America pursuant to any mortgage or deed of trust executed by it, such association shall be deemed to have complied fully with all the requirements of this sub-paragraph.

Amend section 3-e by striking out the whole thereof and substituting in place thereof the following:

3-e. *Exemption.* Except as otherwise provided in sections 3-a to 3-d, inclusive, co-operative associations organized under section 3-a shall be exempt from the



jurisdiction of the Public Service Commission of this state.

Amend section 2 by striking out the words "this paragraph" and substituting therefor the words "said sections"; so that said section as amended will read:

2. *Separability of Provisions.* If any provisions of sections 3-a to 3-e inclusive, or the application of such provision to any person, body, or circumstance shall be held invalid, the remainder of said sections, or the application of such provision to persons, bodies or circumstances other than those as to which it shall have been held invalid, shall not be affected thereby.

The reading of the amendment having commenced Mr. Duncan of Jaffrey moved that further reading of the amendment be dispensed with.

The question being on the motion of Mr. Duncan.

(Discussion ensued)

Mr. Duncan of Jaffrey spoke in favor of the motion.

On a *viva voce* vote the motion prevailed.

On motion of Mr. Duncan of Jaffrey the House concurred in the adoption of the amendments sent down from the Honorable Senate.

The bill was then sent to the Secretary of State to be engrossed.

The message further announced that the Senate concurred with the House of Representatives in the passage of the following joint resolutions, with amendments, in the passage of which amendments the Senate asked the concurrence of the House of Representatives:

House Joint Resolution No. 13, Joint resolution in favor of James F. Donahue and George C. Hamlin.

Amend House Joint Resolution No. 13, by adding at the end thereof the following:



The sum herein appropriated shall be in full settlement of all claims which the said James F. Donahue and George C. Hamlin or Donahue & Hamlin, Inc., may have against the state of New Hampshire or the forestry and recreation commission, arising out of the leases and occupation of the said Willey House property.

On motion of Mr. Seavey of Rochester the House concurred in the adoption of the amendments sent down from the Honorable Senate.

The joint resolution was then sent to the Secretary of State to be engrossed.

House Joint Resolution No. 28, Joint resolution in favor of Harry S. Taylor.

Amend the joint resolution by adding at the end thereof the words, and it shall be in full settlement of said claim; so that said joint resolution as amended will read:

That the following sums be allowed and appropriated in connection with injuries sustained by Harry S. Taylor of Salisbury, while employed at the State Nursery by the forestry and recreation department, November 30, 1936, said accident being due to the explosion of a blasting cap; Dr. A. A. Beaton, eighty-two dollars (\$82); Dr. James S. Shaw, fifteen dollars (\$15); Dr. R. A. Hernandez of Laconia, ten dollars (\$10); Dr. Greenwood of Boston, ten dollars (\$10); Eye Clinic of Hanover, ten dollars (\$10); traveling expense, twenty-eight dollars and ten cents (\$28.10); and that the sum of seventeen hundred dollars (\$1,700) be allowed said Harry S. Taylor to compensate him for loss of vision of one eye caused by said accident. The governor is hereby authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated, and it shall be in full settlement of said claims.

On motion of Mr. Bell of Plymouth the House concurred in the adoption of the amendments sent down from the Honorable Senate.

The joint resolution was then sent to the Secretary of State to be engrossed.

House Joint Resolution No. 61, Joint resolution in favor of Fred D. Parsons.

Amend said joint resolution by striking out the word "three" in the first line and inserting in place thereof the word five; and by adding at the end thereof the words, and it shall be in full settlement of said claim; so that said joint resolution as amended will read:

That the sum of five hundred dollars (\$500) be and hereby is allowed Fred D. Parsons of Rye to reimburse him for damages suffered by him of standing timber, young trees and seedlings by a fire which originated on the adjoining property belonging to the State of New Hampshire. The Governor is hereby authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated, and it shall be in full settlement of said claim.

On motion of Mr. Maxham of Concord the House concurred in the adoption of the amendments sent down from the Honorable Senate.

The joint resolution was then sent to the Secretary of State to be engrossed.

House Joint Resolution No. 75, Joint resolution in favor of the town of Hooksett.

Amend said joint resolution by adding at the end thereof the words, and it shall be in full settlement of said claim; so that said joint resolution as amended will read:

That the sum of eight hundred eighty-one dollars and eighty-one cents (\$881.81) be and hereby is appropriated and allowed to reimburse the town of Hooksett for disbursements made on account of Alvin

Heath who was injured April 28, 1938, while employed by the state in fighting a forest fire. That the sum of two thousand dollars (\$2,000) be allowed said Alvin Heath, to be paid monthly at the rate of forty dollars (\$40) per month. The governor is hereby authorized to draw his warrants for said sum out of any money in the treasury not otherwise appropriated, and it shall be in full settlement of said claim.

On motion of Mr. Officer of Claremont the House concurred in the adoption of the amendments sent down from the Honorable Senate.

The joint resolution was then sent to the Secretary of State to be engrossed.

The message further announced that the Senate had passed a bill with the following title, in the passage of which it asked the concurrence of the House of Representatives:

Senate Bill No. 71, An act relative to conservation officers of the Fish and Game Department.

### **Senate Bill Read and Referred**

Senate Bill No. 71, An act relative to conservation officers of the Fish and Game Department.

Read a first and second time and referred to the Committee on Fisheries and Game.

Mr. Carpenter of Wolfeboro moved that the rules of the House be suspended and reference of the bill to the committee be dispensed with.

The question being on the motion of Mr. Carpenter.

(Discussion ensued)

Mr. Carpenter of Wolfeboro spoke in favor of the motion.

On a *viva voce* vote the motion was adopted and the bill ordered to a third reading.

### Resolutions

Mr. Myhaver of Peterborough offered the following resolution:

*Resolved*, That the Clerk be instructed to procure a sufficient number of insignae for the cars of members of the General Court of 1939-40, to be distributed for their use, not to exceed five hundred dollars (\$500).

The question being on the resolution offered by Mr. Myhaver.

(Discussion ensued)

Mr. Myhaver of Peterborough spoke in favor of the resolution.

On a *viva voce* vote the resolution was not adopted.

Mr. Hancock of Concord offered the following resolution:

*Resolved*, That the use of Representatives' Hall be granted to the B. P. O. Elks and American Legion this evening at 7:45 p. m., for observance of Flag Day exercises.

On a *viva voce* vote the resolution was adopted.

### Message from the Senate

A message from the Honorable Senate by its Clerk announced that the Senate had voted to concur with the House of Representatives in its amendments to the following entitled bill.

Senate Bill No. 68, An act to authorize the sale of property in Durham, New Hampshire, for the benefit of the University of New Hampshire.

The message further announced that the Senate had voted to accede to the request of the House of Representatives for a Committee of Conference on House Bill No. 327, An act establishing a commission for the purpose of studying the possibilities of protecting individuals unemployed because of sickness or ill health. and the President has appointed as members of

such committee on the part of the Senate, Senator Chesley and Mitchell.

The message further announced that the Senate had voted to accede to the request of the House of Representatives for a Committee of Conference on House Bill No. 358, An act creating a state aeronautics commission, and the President has appointed as members of such committee on the part of the Senate, Senators Weston and Estabrook.

The message further announced that the Senate concurred with the House of Representatives in the passage of the following entitled bills, with amendments, in the passage of which amendments the Senate asked the concurrence of the House of Representatives:

House Bill No. 354, An act in amendment of the charter of the city of Keene.

Amend section 4 by striking out the word, "choose" in line one and inserting in place thereof the word, elect. Further amend said section by striking out the word, "four" in line three and inserting in place thereof the word, two, so that said section as amended shall read as follows: 4. The voters of the city of Keene shall elect at the biennial meeting of November 1941 by plurality vote, a mayor for a term of two years, and two councilmen from each ward. That candidate for councilman who shall receive the greatest number of votes in his ward shall hold his office for the term of four years from the first Tuesday of January next thereafter and until his successor is elected and qualified. The candidate for councilman who shall receive the next greatest number of votes in his ward shall hold his office for the term of two years from the first Tuesday of January next thereafter and until his successor is elected and qualified. In case of a tie vote in any ward for the two candidates who receive the greatest number of votes,

the city clerk shall determine by lot who shall be councilman for four, and who shall be councilman for two years. Thereafter one councilman shall be elected in each ward at each biennial election for a term of four years as provided in section 2.

Amend section 5 by striking out in lines, three, four and five the words, "They shall determine the salaries of the mayor, councilman, and other city officers. The salary of the mayor and councilmen," and inserting in place thereof the following: The first city council elected under the provisions of this act shall determine the salary of the mayor, but not to exceed \$1,200 per year, salaries of the councilmen not to exceed \$100 per year each, and the salaries of other city officers. Thereafter the salary of the mayor and councilmen, within the aforementioned limits, so that said section as amended shall read as follows: 5. The City Council shall have the powers vested in like city bodies by statute and may make rules and ordinances pertaining to the city which are not inconsistent therewith. The first city council elected under the provisions of this act shall determine the salary of the mayor, but not to exceed \$1,200 per year, salaries of the councilmen, not to exceed \$100 per year each, and the salaries of other city officers. Thereafter the salary of the mayor and councilmen, within the aforementioned limits, may be increased or decreased by the affirmative vote of seven members of the city council taken at a regular meeting, notice of such proposed increase or decrease having been given at a regular meeting at least thirty days previously. The salaries of the mayor and councilmen shall not be increased during their term of office.

Further amend said bill by striking out section 11 and by renumbering section 12 to read section 11.



The reading of the amendment having commenced Mr. Dort of Keene moved that further reading of the amendment be dispensed with.

The question being on the motion of Mr. Dort.

(Discussion ensued)

Mr. Dort of Keene spoke in favor of the motion.

On a *viva voce* vote the motion prevailed.

The question being on concurring in the amendments sent down from the Honorable Senate.

The Callahan of Keene moved that the House non-concur, and asked for a Committee of Conference.

Mr. Dort of Keene moved that the House concur in the amendments sent down from the Honorable Senate.

The question being on the motion of Mr. Dort.

(Discussion ensued)

Messrs. Lichman, and Batchelder of Keene spoke in favor of the motion.

Messrs. Callahan, and Frissell of Keene spoke against the motion.

On a *viva voce* vote the House concurred on the amendments sent down from the Honorable Senate.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 198, An act to provide for a revision of the Public Laws.

Amend the bill by striking out all after the enacting clause and substituting therefor the following:

1. The Governor, with the advice and consent of the Council, shall, as soon as may be, appoint a commission consisting of two persons learned in the law, whose duty it shall be to revise, codify and amend the public laws of this state now in force, including those of the present session and the constitutional amend-

ment adopted following the last Constitutional Convention, and arrange the same, as far as they deem wise, according to the form and order of the public laws, and prepare the same for publication before and make a report to the next session of the Legislature in January 1941. In the case of the death or inability of a person to serve pursuant to said appointment, the Governor, with the advice and consent of the Council, shall have authority to fill such vacancy.

2. The commissioners shall be reimbursed for their reasonable expenses, including stenographic service, and they shall receive in addition such compensation as the Governor and Council shall determine. The commission is authorized to purchase necessary supplies and, with the approval of the Governor and Council, to contract for the printing and binding of its report. In any contract for the printing and binding of the report, provision shall be made for the preservation of the forms from which the report is printed so that the same may be available for the reprint of such portions of such report as may be adopted by the legislature. In the event the commission is unable to secure satisfactory terms for the printing and binding of said report, the same shall be submitted for bids.

3. For carrying out the purposes of this act the sum of ten thousand dollars, or so much thereof as may be necessary, is hereby appropriated for the fiscal year beginning July 1, 1939 and the sum of five thousand dollars, or so much thereof as may be necessary, is hereby appropriated for the fiscal year beginning July 1, 1940, and any sum not expended in the first fiscal year may be added to the appropriation for the succeeding fiscal year.

4. This act shall take effect upon its passage.

Mr. Etsler of Claremont moved that the House non-concur and that a Committee of Conference be appointed.

The question being on the motion of Mr. Etsler.

(Discussion ensued)

Mr. Etsler of Claremont spoke in favor of the motion.

On a *viva voce* vote the motion to non-concur prevailed.

The Speaker appointed as members of such committee on part of the House, Messrs. Etsler of Claremont, Rice of Rindge, and Osborne of Sunapee.

The message further announced that the Senate concurred with the House of Representatives in the passage of the following joint resolutions, with amendments, in the passage of which amendments the Senate asked the concurrence of the House of Representatives:

House Joint Resolution No. 30, Joint resolution relating to a state pier.

Amend said resolution by striking out the entire resolution and inserting in place thereof the following:

That the Governor, with the consent of the Council, be authorized to appoint a committee of seven persons to serve without pay, to investigate the expediency, feasibility, and practicability of a State Pier at Portsmouth, and the expense for construction of the same, and said committee shall make its report to the next session of legislature.

Mr. Baker of Concord moved that the House non-concur and that a Committee of Conference be appointed.

The question being on the motion of Mr. Baker.

(Discussion ensued)

Mr. Baker of Concord spoke in favor of the motion.

On a *viva voce* vote the motion to non-concur prevailed.

The Speaker appointed as members of such committee on part of the House, Messrs. Pennell of Exeter, Baker of Concord, and Batchelor of Keene.

The message also announced that the Senate had passed a bill with the following title, in the passage of which it asked the concurrence of the House of Representatives:

Senate Bill No. 73, An act relating to the retirement system of firemen.

### Senate Bill Read and Referred

Senate Bill No. 73, An act relating to the retirement system for firemen.

Read a first and second time laid upon the table to be printed and referred to the Committee on Judiciary.

Mr. Saltmarsh of Concord moved that the rules of the House be suspended, the printing and reference of the bill to a committee be dispensed with.

The question being on the motion of Mr. Saltmarsh.

(Discussion ensued)

Mr. Saltmarsh of Concord spoke in favor of the motion.

On a *viva voce* vote the motion was adopted.

The bill was then ordered to a third reading.

(The Speaker declared the House in recess)

### After Recess

On motion of Mr. Baker of Concord the rules were suspended and the third readings of bills by their titles made in order.

### Third Readings

House Bill No. 440, An act relating to the department of state police.

House Bill No. 441, An act relative to trucks used for timber salvage.

Severally read a third time and passed and sent to the Senate for concurrence.

Senate Bill No. 71, An act relative to conservation officers of the Fish and Game Department.

Senate Bill No. 73, An act relating to the retirement system of firemen.

Severally read a third time and passed and sent to the Secretary of State to be engrossed.

Senate Bill No. 72, An act relative to the inspection of motor vehicles.

Read a third time and passed and sent to the Senate for concurrence in the amendment.

### Reconsideration

Mr. Callahan of Keene moved to change his vote from "no" to "yes" on House Bill No 354, An act in amendment to the charter of the city of Keene, and moved to reconsider the vote whereby the House concurred in the amendment sent down from the Honorable Senate, but subsequently withdrew his motion.

(The Speaker declared the House in Recess)

### After Recess

### Committee Reports

Mr. Sawyer of Woodstock, for the Committee on Engrossed Bills reported that the committee had examined and found correctly engrossed the following entitled bills:

Senate Bill No. 68, An act to authorize the sale of property in Durham, New Hampshire, for the benefit of the University of New Hampshire.

Senate Bill No. 70, An act relating to the trial of capital cases.

House Bill No. 159, An act providing for the litigation of small claims.

House Bill No. 438, An act relating to the taxation of tobacco products.

The report was accepted.

### Message from the Senate

A message from the Honorable Senate by its clerk announced that the Senate concurred with the House of Representatives in the passage of the following joint resolution, with amendment in the passage of which amendment the Senate asked the concurrence of the House of Representatives:

House Joint Resolution No. 74, Joint resolution in favor of William Kaskonas.

Amend said joint resolution by striking out the words and figures "two hundred and fifty dollars (\$250)" in the first line and inserting in place thereof the words and figures, five hundred eighty-seven dollars and forty cents (\$587.40); and by adding at the end thereof the words, and shall be in full settlement of said claim; so that said joint resolution as amended will read:

That the sum of five hundred eighty-seven dollars and forty cents (\$587.40) be and hereby is appropriated and allowed William Kaskonas of Dunbarton for injuries he received in November, 1937, while in the employ of the state highway department and the sum of seventy-two dollars (\$72) be allowed Dr.



Robert J. Graves for services to said William Kas-konas in connection with said injuries. The sums hereby appropriated shall be a charge upon the high-way funds, and shall be in full settlement of said claim.

On motion of Mr. Sanderson of Pittsfield the House concurred in the adoption of the amendment sent down from the Honorable Senate.

The joint resolution was then sent to the Secretary of State to be engrossed.

The message also announced that the Senate had voted to adopt the amendment offered by the Committee on Engrossed Bills, to the following house bill, in the adoption of which amendment the Senate asked the concurrence of the House of Representatives:

House Bill No. 236, An act providing for improvements at the State Sanatorium.

Amend section 6 of said bill by striking out the word "ninety" in the fifth line and inserting in place thereof the word, eighty.

On motion of Mr. Baker of Concord the House concurred in the adoption of the amendment proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

### Committee of Conference

The Committee of Conference, to whom was referred House Bill No. 327, An act establishing a commission for the purpose of studying the possibilities of protecting individuals unemployed because of sickness or ill health, recommended that the Senate recede from its position in adopting its amendment, that the House recede from its position of non-concurrence and that the following amendment be adopted:

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1. *Commission Established.* There is hereby created the commission on disability benefits, hereinafter referred to as the commission, consisting of three appointive members and the labor commissioner, who shall act as chairman, and the administrator of the unemployment compensation division, who shall act as secretary, *ex officios*. The appointive members of the commission shall be appointed by the governor with the advice and consent of the council for a term of two years each or until the report required under section 3 has been filed. Vacancies in the commission shall be filled in the same manner as original appointments. The members of the commission shall serve without compensation but the appointive members shall be allowed actual expenses incurred in the course of their duties as such commissioners.

Amend section 5 of said bill by striking out the same and inserting in place thereof the following:

5. *Appointment of Personnel.* The chairman of the commission, with the advice and consent of the commission, is hereby authorized to appoint and fix the compensation of such assistants as may be necessary to carry out the purposes of this act.

Amend section 7 of said bill by striking out the same and inserting in place thereof the following:

7. *Appropriation.* There is hereby appropriated for the purposes of this act the sum of two thousand five hundred dollars. The commission shall have no authority or power to incur debts or contract any liabilities in the name of the state over and above the amount of the appropriation made herein. The governor is hereby authorized to draw his warrant for the

sum herein appropriated out of any money in the treasury not otherwise appropriated.

T. JEWETT CHESLEY,  
LESTER E. MITCHELL,

*Conferees on the part of the Senate.*

E. J. WINSLOW,  
ALBERT S. BAKER,  
GEORGE H. DUNCAN,

*Conferees on the part of the House.*

Reading of the amendments having commenced, on motion of Mr. Winslow of Chesterfield further reading of the amendments was dispensed with.

On motion of Mr. Winslow of Chesterfield the report of the Committee of Conference was adopted.

On motion of Mr. Fernald of Dover the House adjourned from the morning session.

The House was immediately called to order in afternoon session.

### Afternoon

#### Reconsideration

Mr. Callahan of Keene moved to change his vote from "no" to "yes" on House Bill No. 354, An act in amendment to the charter of the city of Keene, and moved to reconsider the vote whereby the House concurred in the amendment sent down from the Honorable Senate.

Mr. Baker of Concord moved that the House adjourn.

On a *viva voce* vote the motion was adopted and the House adjourned until 11:00 o'clock tomorrow morning.

THURSDAY, JUNE 15, 1939.

The House met at 11:00 o'clock.

Prayer was offered by the Chaplain.

### Leaves of Absence

Messrs. Hough of Lebanon and Sturtevant of Concord, were granted leave of absence for the day on account of important business.

Mr. Bullock of Richmond was granted leave of absence for the day on account of attending a funeral.

Mr. Lacroix of Manchester was granted leave of absence for the day on account of out of state business.

### Committee Report

Mrs. Batchelder of Hanover, for the Committee on Engrossed Bills, reported that the committee had examined and found correctly engrossed the following entitled bills and joint resolutions:

Senate Bill No. 53, An act relative to Sunday work for employees of telegraph and telephone offices.

Senate Bill No. 73, An act relating to the retirement system for firemen.

House Bill No. 64, An act providing for the remodeling of the old main building at the state industrial school.

House Bill No. 356, An act relating to the state house, state house annex, state library, Hannah Dustin monument, Franklin Pierce homestead and the Daniel Webster birthplace.

House Joint Resolution No. 28, Joint resolution in favor of Harry S. Taylor.

House Joint Resolution No. 61, Joint resolution in favor of Fred D. Parsons.

House Joint Resolution No. 63, Joint resolution making an appropriation for the construction and equipment of a piggery at the state prison.

House Joint Resolution No. 74, Joint resolution in favor of William Kaskonas.

House Joint Resolution No. 75, Joint resolution in favor of the town of Hooksett.

The report was accepted.

### Introduction

Representative Sanderson of Pittsfield introduced his family to the House.

### Committee Reports

On motion of Mr. Baker of Concord, the rules were suspended to allow for the presentation of two committee reports which had not previously been advertised in the Journal.

Mr. Baker of Concord, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 442, An act relating to the bond issue of Belknap County, with the recommendation that the bill be referred to the Committee on Judiciary.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Judiciary.

On motion of Mr. Baker of Concord the rules were suspended, the order vacated whereby the bill was referred to the Committee on Judiciary, the printing of the bill dispensed with and the bill referred to a special committee consisting of the delegation from the county of Belknap.

Mr. Baker of Concord, for the Committee on Rules, having considered the subject, reported the following

entitled bill, House Bill No. 443, An act relating to the general funds of the state, with the recommendation that the bill be referred to the Committee on Appropriations.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Appropriations.

Mr. Baker of Concord moved that the rules be suspended and printing and reference of the bill to a committee be dispensed with.

The question being on the motion of Mr. Baker.

(Discussion ensued)

Mr. Baker of Concord spoke in favor of the motion. On a *viva voce* vote the motion prevailed.

Mr. Baker of Concord moved that the rules be suspended, that the bill be put upon its third reading and final passage by title at the present time.

The question being on the motion of Mr. Baker.

(Discussion ensued)

Mr. Duncan of Jaffrey spoke in favor of the motion. On a *viva voce* vote the motion prevailed.

The bill was then read a third time and passed and sent to the Senate for concurrence.

On motion of Mr. Sanderson of Pittsfield the rules were suspended to allow for the presentation of two committee reports which had not previously been advertised in the Journal.

Mr. Sanderson of Pittsfield, for the Committee on Appropriations, to whom was referred Senate Joint Resolution No. 4, Joint resolution in favor of Thomas J. Callahan, reported the same with the recommendation that the joint resolution ought to pass.

The report was accepted and the Joint Resolution ordered to a third reading.



Mr. Sanderson of Pittsfield, for the Committee on Appropriations, to whom was referred Senate Joint Resolution No. 8, Joint resolution in favor of Charles Hashim, reported the same with the following amendment, and the recommendation that the joint resolution as amended ought to pass.

Amend the joint resolution by striking out in the first line the words and figures "Seventeen hundred and fifty dollars (\$1,750)" and inserting in place thereof the words and figures one thousand dollars (\$1,000), so that said joint resolution as amended shall read as follows:

That the sum of one thousand dollars (\$1,000) be and hereby is allowed and paid to Charles Hashim of Derry to reimburse him for damages arising out of a condemnation proceeding instituted by the state board of health. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

The report was accepted, the amendment adopted, and the joint resolution ordered to a third reading.

On motion of Mr. Sanderson of Pittsfield the rules were suspended, the joint resolution made in order for a third reading, and final passage by caption at the present time.

The joint resolution was then read a third time and passed and sent to the Senate for concurrence in the amendment.

### Unfinished Business

Mr. Dort of Keene called for the unfinished business.

House Bill No. 354, An act in amendment of the charter of the city of Keene.

The question being on the motion to reconsider the

vote whereby the House concurred in the Senate amendment.

(Discussion ensued)

Mr. Dort of Keene spoke against the motion.

Mr. Callahan of Keene moved that the House adjourn and demanded a roll call but subsequently withdrew his motion.

The question being on the motion to reconsider.

Mr. Callahan of Keene called for a division.

A division being had the vote was declared manifestly in the negative.

### Committee of Conference

The Committee of Conference, to whom was referred House Bill No. 358, An act relating to the development of aeronautical facilities, reported the same with the recommendation that the Senate recede from its position in adopting its amendment and that the House recede from its position of non-concurrence and that the following amendments be adopted:

Amend section 5 by striking out the whole of said section and inserting in its place the following:

5. *Compensation.* The Director shall serve without compensation but shall be reimbursed in a sum not to exceed fifteen hundred dollars for all traveling and other expenses incurred by him in the discharge of his official duties.

Amend section 52 by striking out the words, ten thousand, in line two and inserting in place thereof the words, fifteen hundred, so that said section as amended shall read as follows:

52. *Appropriation.* For the purpose of this act there is hereby appropriated the sum of fifteen hundred dollars annually and the governor is hereby

authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

WILLIAM WESTON,

A. RALPH ESTABROOK,

*Conferees on the part of the Senate.*

C. B. ETSLER,

RALPH F. SEAVEY,

L. L. OSBORNE,

*Conferees on the part of the House.*

On motion of Mr. Etsler of Claremont the report of the Committee of Conference was adopted.

### Resolution

Mr. Lichman of Keene offered the following resolution:

*Resolved*, That the sympathy of the membership of this House be extended to Former Representative and Present Attache Cowling Hilton, in the death of his father-in-law, Heman J. Holdredge of Keene, and be it further.

*Resolved*, That a copy of these resolutions be forwarded to Mr. Hilton.

JOHN M. DUFFY,

HARRY LICHMAN,

GEORGE F. KNOWLTON,

RUSSELL F. BATCHELOR,

RAY E. TARBOX,

The resolution was unanimously adopted by a rising vote.

### Message from the Senate

A message from the Honorable Senate by its Clerk announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bill sent up from the House of Representatives:

House Bill No. 441, An act relating to trucks used for timber salvage.

The message further announced that the Senate had voted to adopt the report of the Committee of Conference on House Bill No. 327, An act establishing a commission for the purpose of studying the possibilities of protecting individuals unemployed because of sickness or ill health.

The message also announced that the Senate concurred with the House of Representatives in the passage of the following entitled bill, with amendments, in the passage of which amendments the Senate asked the concurrence of the House of Representatives:

House Bill No. 379, An act providing for a division of municipal accounting within the State Tax Commission.

Amend House Bill No. 379 by striking out the word "division" in line 25 of Section 1 thereof and substituting in place of it the word "commission." Further amend said bill by striking out the word "director" in line 35 in said section and substituting in place of it the word "commission." Further amend said bill by striking out the word "director" in line 42 of said section and substituting in place of it the word "commission." Further amend said bill by striking out the word "director" in line 43 of said section and substituting in place of it the word "commission." Further amend said bill by striking out the word "director" in line 47 of said section and substituting in place of it the word "commission." Further amend said bill by striking out the word "director" in line 48 of said section and substituting in place of it the word "commission." Further amend said bill by striking out the word "director" in line 54 of said section and substituting

in place of it the word "commission." Further amend said bill by striking out the word "director" in line 56 of said section and substituting in place of it the word "commission." Further amend said bill by striking out the word "he" in line 57 of said section and substituting in place thereof the word "it." Further amend said bill by striking out the word "director" in line 60 of said section and substituting in place of it the word "commission." Further amend said bill by striking out the word "him" in line 64 of said section and substituting in place thereof the word "it." Further amend said bill by inserting between the words "the" and "director" in line 68 of said section the words, "commission, the." Further amend said bill by striking out the word "his" in said line 68 and substituting in place thereof the word "its." Further amend said bill by striking out the word "assistant" in said line 68, and substituting in place thereof the word "assistants." Further amend said bill by striking out the word "division" in line 84 of said section and substituting in place thereof the word "commission." Further amend said bill by striking out the word "director" in line 86 of said section and substituting in place of it the word "commission." Further amend said bill by striking out the words, "the division" in line 87 of said section, and substituting in place thereof the word "it." Further amend said bill by striking out the word "division" in lines 90 and 91 of said bill and substituting in place of it the word "commission;" so that said section as amended shall read as follows:

1. *Municipal Accounting Division.* Amend chapter 68 of the Public Laws, as amended by chapter 165, Laws of 1933, by striking out all of said chapter after section 21 and inserting in place thereof the following new subdivision:

### Division of Municipal Accounting

22. *Division Established; Director.* There is hereby created within the state tax commission a division of municipal accounting which shall be under the general supervision of the tax commission. The division shall be in the charge of an officer to be known as director who shall be appointed by the commission, with the approval of the governor and council. The salary of said director shall be fixed by the commission, with the approval of the governor and council.

23. *Assistants.* The commission, with the approval of the governor and council, shall appoint such assistants as may be necessary for the performance of the duties of the division.

24. *Municipal Accounts to be Uniform.* The accounting officers of the several counties, cities, towns, school and village districts, and departments thereof, within the state, shall keep uniform accounts in a manner prescribed by the commission.

25. *Financial Reports of Municipalities.* Such accounting officers shall on or before March first of each year, return to the division of municipal accounting financial reports on prescribed forms showing the summary of receipts and expenditures, according to the uniform classifications, during their last fiscal year and a balance sheet showing assets and liabilities at the close thereof. Such accounting officers shall also furnish at other times such information as the commission may require. The information contained in said financial reports shall be tabulated and included as a part of the annual report of the tax commission.

26. *Petition for Audit by Vote of Municipality.* Any town, school district, village district or precinct, at the annual meeting or special meeting legally called



therefor, may petition the commission for an audit of the accounts and said commission, as soon as possible after the receipt of such petition, shall cause such audit to be made.

27. *County Audit.* The county convention of any county may petition the commission for an audit of the accounts of said county, and said commission as soon as possible after the receipt of such petition, shall cause such audit to be made.

28. *Petition by Officers.* The commissioners of any county, selectmen of any town, school board of any school district and commissioners of any village district or precinct, may petition the commission for an audit of the accounts of their respective unit of government. If conditions appear to the commission to warrant it, it shall, as soon as possible after the receipt of such petition, cause such audit to be made.

29. *Audit on Motion of Commission.* The commission may cause an audit to be made of the accounts of any county, city, town, school district village district or precinct, as often as once in two years, or whenever conditions appear to it to warrant such audit.

30. *Powers of Director; Examination of Witnesses.* For the purpose of conducting such audits the commission, the director or its duly authorized assistants shall have authority to examine any papers, books or other documents pertaining to said municipality and shall have power to summon and examine under oath any officer or other person relative to the affairs and management of such municipality.

31. *Publication of Report of Audit.* Upon the completion of each audit, as herein provided, a report thereof shall be made to the proper local officials, and a copy of such report or a summary of its essential

features shall be published in the next annual report of the county, city, town, school district, village district or precinct concerned.

32. *Expenses.* All expenses incurred in carrying out the purposes of this subdivision shall be paid in the first instance from the appropriation for the commission, but each county, city, town, school district, village district or precinct shall, upon notification by the commission of the amount due, reimburse it for all such expenses, except salaries of members of the division incurred in the audit of such municipality. Said reimbursement shall be credited to the appropriation for the commission.

The reading of the amendments having commenced, Mrs. Cooper of Nashua moved that further reading of the amendments be dispensed with.

The question being on the motion of Mrs. Cooper.

(Discussion ensued)

Mrs. Cooper of Nashua spoke in favor of the motion.

On a *viva voce* vote the motion was adopted.

On motion of Mrs. Cooper of Nashua the House concurred in the amendments sent down from the Honorable Senate.

### **Recess**

### **After Recess**

### **Resolution**

Mrs. Banfield of Moultonborough offered the following resolution.

*Whereas* our fellow member, Ada A. Soper of Littleton, has been ill for a long time and we have missed her presence here, and

*Whereas* her birthday occurs on June twenty-fourth, therefore

*Be It Resolved*, that the Clerk of the House be instructed to send flowers on behalf of the members as birthday greetings to Mrs. Soper with our best wishes.

The resolution was unanimously adopted by a rising vote.

### Recess

### After Recess

On motion of Mr. Rollins of Alton the rules were suspended to allow for the presentation of a committee report which had not previously been advertised in the Journal.

Mr. Rollins of Alton, for the special committee consisting of the delegation from Belknap County, to whom was referred House Bill No. 442, An act relating to the bond issue of Belknap County, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend said bill by inserting after section 1 a new section to read as follows:

2. *Issue.* Such refunding may be through authority of the county convention at a special meeting called for the purpose in accordance with the provisions for county bonds in chapter 38 of the Public Laws and shall not exceed the sum of two hundred and twenty five thousand dollars.

Further amend said bill by renumbering section 2 section 3.

The report was accepted, the amendment adopted and the bill ordered to a third reading.

On motion of Mr. Rollins of Alton the rules were suspended and the bill put upon its third reading by title at the present time.

The bill was then read a third time and passed and sent to the Senate for concurrence.

### Committee of Conference

The Committee of Conference on House Bill No. 228, An act relating to the control of navigation at Hampton Harbor, the inlet, so called, and the Hampton River, recommend that the Senate recede from its position in adopting its amendment, that the House recede from its position of non-concurrence and that the following amendment be adopted:

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *Control of Navigation.* Amend chapter 152 of the Public Laws by inserting after section 12 the following new sub-section:

#### **Hampton Harbor, Harbor Inlet and Hampton River**

12-a. *Harbor-Master.* The New Hampshire Shore and Beach Preservation and Development Commission may annually choose a harbor-master whose duty it shall be to oversee Hampton harbor, the inlet thereto and Hampton river, to preserve and regulate navigation within said waters, to assign moorings, require the same to be kept in safe condition, to require the removal of vessels if necessity or an emergency arises, and to inquire into and prosecute all offenses under section 12-c hereof. For the purposes hereof said harbor-master with the approval of the said commission may make such reasonable rules and regulations as he shall deem proper. Said harbor-master shall receive for his services such salary as the towns abutting on the harbor may determine.

12-b. *Definition.* The word "vessel" as used in this subsection shall include boats of all sizes propelled by sail, machinery or hand, scows, dredgers, shellfish, cars and craft of every kind.

12-c. *Penalty.* Whoever violates any of the rules and regulations of the harbor-master promulgated under the authority of section 12-a, or refuses or neglects to obey the lawful and reasonable orders of the harbor-master, or resists him in the execution of his duties, shall be fined not more than fifty dollars. All fines collected under the provisions of this section shall accrue toward payment of said harbor-master.

2. *Takes Effect.* This act shall take effect upon its passage.

A. RALPH ESTABROOK,  
HAROLD S. FAIRBANKS,  
*Conferees on the part of the Senate.*

WALTER O. PENNELL,  
CHARLES FRANCIS ADAMS,  
RUSSELL F. BATCHELOR,  
*Conferees on the part of the House*

On motion of Mr. Pennell of Exeter the report of the Committee of Conference was adopted.

### **Recess**

### **After Recess**

### **Message from the Senate**

A message from the Honorable Senate by its Clerk announced that the Senate had passed a bill with the following title, in the passage of which it asked the concurrence of the House of Representatives:

Senate Bill No. 74, An act relating to salary of the labor commissioner.

### **Senate Bill Read and Referred**

Senate Bill No. 74, An act relating to the salary of the Labor Commissioner.

Read a first and second time, laid upon the table to be printed and referred to the Committee on Appropriations.

Mr. Etsler of Claremont moved that the rules of the House be suspended and the order vacated whereby the bill was referred to the Committee on Appropriations, and the printing of the bill and its reference to a committee be dispensed with.

The question being on the motion of Mr. Etsler.

(Discussion ensued)

Messrs. Etsler of Claremont, Sherry of Dover and Wadleigh of Milford spoke in favor of the motion.

Mr. Chase of Manchester spoke against the motion.

Mr. Fernald of Dover moved the previous question.

The question being,

Shall the main question now be put?

On a *viva voce* vote the previous question was ordered.

The question being on the motion to suspend the rules.

On a *viva voce* vote the motion was adopted.

Mr. Frissell of Keene offered the following amendment:

Amend section 1 by striking out the whole of said section and inserting in place thereof the following:

1. Amend section 4 of chapter 174 of the Public Laws by striking out the words "three thousand" in the first and second lines and inserting in place thereof the words, thirty-five hundred, so that said section as amended shall read: 4. *Salary; Expenses.* The salary of the commissioner shall be thirty-five hundred dollars a year, and his actual expenses incurred in the work of his office shall be paid on duly detailed vouchers approved by the governor.



The question being on the amendment offered by Mr. Frissell.

(Discussion ensued)

Messrs. Pennell of Exeter, Seavey of Rochester, Conlon of Concord, Cannell of Lebanon spoke against the amendment.

Mr. Fernald of Dover moved the previous question.

The question being,

Shall the main question now be put?

On a *viva voce* vote the previous question was ordered.

The question being on the amendment offered by Mr. Frissell.

On a *viva voce* vote the amendment was not adopted.

The question being,

Shall the bill be read a third time?

(Discussion ensued)

Mr. Boynton of Hillsboro spoke against the motion.

On a *viva voce* vote the bill was ordered to a third reading.

### Recess

### After Recess

### Committee Reports

Mrs. Batchelder of Hanover, for the Committee on Engrossed Bills, to whom was referred House Joint Resolution No. 67, Resolution in favor of Clyde Hudson, reported the same with the following amendment and recommended that the resolution as amended ought to pass.

Amend said resolution by striking out the words "dollars and forty cents" in the thirteenth line and inserting in place thereof the words, and forty dollars.

On motion of Mr. Officer of Claremont the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

Mrs. Batchelder of Hanover, for the Committee on Engrossed Bills, to whom was referred Senate Bill No. 71, An act relative to conservation officers of the fish and game department, reported the same, under Joint Rule No. 6, with the following amendment and recommended that the bill as amended ought to pass.

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1. *Repeal.* Section 50 of chapter 201 of the Public Laws, as inserted by chapter 169 of the Laws of 1939, relative to conservation officers of the fish and game department while on lobster patrol work, is hereby repealed.

On motion of Mr. Dort of Keene the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

The Committee on Engrossed Bills reported that the committee had examined and found correctly engrossed the following entitled bills and joint resolution:

House Bill No. 95, An act to establish a new apportionment for the assessment of public taxes.

House Bill No. 117, An act relating to the diseases of domestic animals.

House Bill No. 236, An act providing for improvements at the state sanatorium.

House Bill No. 282, An act relating to investments of life insurance companies.

House Bill No. 350, An act relative to the registration of highway building equipment vehicles and equipment mounted on trucks.

House Bill No. 404, An act relative to the operation of motor vehicles of non-residents on the highways of this state.

House Joint Resolution No. 73, Joint resolution providing special emergency appropriations for forest fire protection.

The report was accepted.

On motion of Mr. Baker of Concord the rules were suspended to allow for the presentation of a committee report which had not previously been advertised in the Journal.

Mr. Baker of Concord, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 444, An act relative to the powers of the fiscal agent of Coos County, with the recommendation that the bill be referred to the Committee on Judiciary.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Judiciary.

Mr. Baker of Concord moved that the rules be suspended and the printing of the bill and its reference to a committee dispensed with.

The question being on the motion of Mr. Baker.

(Discussion ensued)

Mr. Baker spoke in favor of the resolution.

On a *viva voce* vote the motion prevailed and the bill was ordered to a third reading.

On motion of Mr. Baker of Concord the rules were suspended and the third reading and final passage of the bill made in order at the present time.

The bill was then read a third time and passed and sent to the Senate for concurrence.

### Message from the Senate

A message from the Honorable Senate by its Clerk announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bill, sent up from the House of Representatives:

House Bill No. 443, An act relating to the general funds of the state.

The message further announced that the Senate had voted to concur with the House of Representatives in its amendment to the following entitled bill.

Senate Bill No. 72, An act relative to the inspection of motor vehicles.

The message also announced that the Senate concurred with the House of Representatives in the passage of the following entitled bill, with amendment, in the passage of which amendment the Senate asked the concurrence of the House of Representatives:

House Bill No. 437, An act relative to examination for the practice of optometry.

1. *The Practice of Optometry.* Amend section 8 of chapter 207 of the Public Laws by inserting after the word "person" in the first line the words, who is a citizen of the United States or a Canadian province in which like privileges are granted to citizens of the United States or who has declared his intention of becoming a citizen of the United States and has taken out his first papers therefor, so that said section as amended shall read as follows: 8. *Examinations.* Any person, who is a citizen of the United States or a Canadian province in which like privileges are granted to citizens of the United States, or who has declared his intention of becoming a citizen of the United States and has taken out his first papers therefor, may appear before said board at any of its regular meetings and

be examined with reference to his knowledge and skill in optometry.

On motion of Mr. Shaw of Franklin the House concurred in the adoption of the amendment sent down from the Honorable Senate.

The bill was then sent to the Secretary of State to be engrossed.

### Recess

### After Recess

### Message from the Senate

A message from the Honorable Senate by its Clerk announced that the Senate had voted to adopt the amendments offered by the Committee on Engrossed Bills, to the following entitled bill, in the adoption of which amendments the Senate had asked the concurrence of the House of Representatives:

House Bill No. 275 (in new draft), An act relating to workmen's compensation.

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1. *Application of Act.* Amend section 1 of chapter 178 of the Public Laws, as amended by section 1, chapter 159, Laws of 1937, by striking out the following words, being the last paragraph in said section: "This chapter shall apply to workmen engaged in any of the foregoing employments within this state irrespective of the place where the contract of hiring was made, renewed or extended, and shall not apply to workmen outside of the state."

Amend section 2 of said bill by striking out the first two lines thereof and inserting in place thereof the following:

2. *Amount of Compensation for Death.* Amend paragraph I of section 19 of said chapter 178, as

amended by section 1, chapter 131, Laws of 1931, by striking out said paragraph and inserting in place thereof the following:

Amend section 3 of said bill by striking out the first three lines and inserting in place thereof the following:

3. *Compensation.* Amend section 21 of said chapter 178, as amended by chapter 153, Laws of 1933, by striking out the word "seven" and inserting in place thereof the word, eight, so that said section as amended shall read as follows:

Amend section 4 of said bill by striking out the first two lines and inserting in place thereof the following:

4. *Limitations.* Amend said chapter 178 by inserting after section 21 as hereinbefore amended the following new section:

Amend section 5 of said bill by striking out said section and inserting in place thereof the following:

5. *Application of Provisions.* Amend said chapter 178 by inserting after section 21-a, as hereinbefore inserted, the following new section: 21-b. *Computation.* The compensation paid under the provisions of section 21-a shall be in lieu of any and all compensation due under any other provisions of this subdivision, except that if the total compensation to which the employee is entitled under the provisions of this subdivision, exclusive of said section 21-a, exceeds the compensation provided under said section 21a said employee shall be entitled to such compensation in lieu of the compensation due under section 21-a.

Amend section 6 of said bill by striking out the first two lines and inserting in place thereof the following:

6. *Compensation Increased.* Amend section 24 of said chapter 178, as amended by section 1, chapter 135,



Laws of 1937, by striking out the word "seventeen" and inserting in place thereof the word, eighteen, so that said section as amended shall read as follows:

Amend section 8 of said bill by striking out the same and inserting in place thereof the following:

8. *Repeal; Takes Effect.* All acts or parts of acts inconsistent with this act are hereby repealed and this act shall take effect July 1, 1939; provided that this act shall not affect the compensation for injuries resulting from accidents happening prior to July 1, 1939.

On motion of Mr. Barnard of Manchester the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 428, An act relating to fishing in Ferrin pond in Weare.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *Ferrin pond in Weare.* Amend paragraph I of section 3 of chapter 201 of the Public Laws, as inserted by chapter 169, Laws of 1939, by striking out the words "Ferrin pond in Weare" so that said paragraph as amended shall read as follows: I. Back lake in Pittsburg, Gustin pond in Marlow, Halls ponds in Sandwich, Ledge pond in Madison, Little Diamond pond in Stewartstown, Lily pond in Gilford.

2. *Ice Fishing.* Amend paragraph I of section 29 of chapter 201 of the Public Laws, as inserted by chapter 169, Laws of 1939, by striking out the words "Ferrin pond in Weare" so that said paragraph as amended shall read as follows: I. Arlington Mills reservoir, Big Dan Hole pond in Ossipee and Tuftonboro, Dimond or Tom pond in Warner, Elbow pond in

Woodstock, Gorham pond in Dunbarton, Forest lake in Winchester.

3. *Pickerel, Open Season.* Amend section 23 of chapter 201 of the Public Laws, as inserted by chapter 169, Laws of 1939, by inserting after paragraph VII the following new paragraph: VIII. Pickerel of any size and in any quantity may be taken and possessed from June first to January sixteenth in Ferrin pond in Weare.

4. *Takes Effect.* This act shall take effect upon its passage.

On motion of Mr. Shedd of New Boston the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills:

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 300, An act to make uniform the law with reference to trust receipts and pledges of personal property unaccompanied by possession in the pledgee.

Amend section 1 of said bill by striking out the words "in the uniform negotiable instruments law and amendments thereto" and inserting in place thereof the words and figures, chapter 312 of the Public Laws.

Amend section 7 of said bill by inserting after the word "case" in the second line of the paragraph numbered II the words, of goods or documents; and of notice of the entruster's security interest to all persons, in the case.

Amend section 10 of said bill by inserting in paragraph (c) after the word "waived" the words, by the entruster by words or conduct; and knowledge.

Amend section 16 of said bill by striking out the words "notice, consent of other preliminaries or formalities of execution" in the third and fourth lines.

On motion of Mr. Knowlton of Keene the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

Senate Bill No. 49, An act relating to Oliverian Brook in Benton and Warren and Three Pond Brook in Rumney.

Amend the title of said bill by adding at the end thereof the words, and the use of artificial flies for taking fish in certain waters.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *Oliverian Brook.* Amend paragraph VI of section 30 of chapter 201 of the Public Laws, as inserted by chapter 169, Laws of 1939, by striking out said paragraph and inserting in place thereof the following: VI. All tributaries of Peabody river in Green's Grant except the West Branch and Nineteen-Mile brook.

2. *Three Pond Brook.* Amend paragraph IX of section 30 of chapter 201 of the Public Laws, as inserted by chapter 169, Laws of 1939, by striking out said paragraph and inserting in place thereof the following: IX. Trout brook, the inlet of Post pond in Lyme, up-stream from the pond for a distance of approximately two miles to the falls, all tributaries of Tunnel stream in Benton and their tributaries above the Parker House, Twitchell brook, flowing east into the Androscoggin river, West Branch watershed of the Ammonoosuc river, tributaries of Kilkenney, including the West Branch.

3. *Fly Fishing Only in Certain Waters.* Amend chapter 201 of the Public Laws, as inserted by chap-

ter 169, Laws of 1939, by inserting after section 6 the following new section: 6-a. *Restriction.* In all waters named in sections 5 and 6 hereof, where brook trout may be taken by artificial flies only, no fish of any kind may be taken except by the use of artificial flies during the open season therefor.

4. *Takes Effect.* This act shall take effect upon its passage.

On motion of Mr. Dreghorn of Warren the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

### Committee Reports

On motion of Mr. Barnard of Manchester the rules were suspended to allow for the presentation of a committee report which had not previously been advertised in the Journal.

Mr. Baker of Concord, for the Committee on Rules, having considered the subject, reported the following Joint resolution, House Joint Resolution No. 78, Joint resolution in favor of Guy S. Neal and others, with the recommendation that the joint resolution be referred to the Committee on Appropriations.

The report was accepted, the joint resolution read a first and second time, laid upon the table to be printed and referred to the Committee on Appropriations.

On motion of Mr. Barnard of Manchester the printing of the bill was dispensed with.

### Recess

### After Recess

### Message from the Senate

A message from the Honorable Senate by its Clerk announced that the Senate had voted to concur with

the House of Representatives in the passage of the following entitled bills and joint resolution, sent up from the House of Representatives:

House Bill No. 338, An act for improvements at the State House.

House Bill No. 440, An act relating to the Department of State Police.

House Bill No. 442, An act relating to the bond issue of Belknap County.

House Bill No. 443, An act relating to the general funds of the state.

House Bill No. 444, An act relating to the powers of the fiscal agent of Coos County.

The message further announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bills and joint resolutions, sent up from the House of Representatives:

House Bill No. 351, An act permitting trustee process to be served on the state in personal actions against state officials or employees.

House Bill No. 376, An act providing for improvements at Rye harbor.

House Bill No. 393, An act providing for the reconstruction of a toll bridge at Hampton harbor.

House Bill No. 422, An act to repeal charters of certain corporations.

House Bill No. 430, An act providing funds for improvements in the State House.

House Bill No. 432, An act providing a deficiency appropriation for certain state departments.

House Bill No. 436, An act relating to the acquisition of certain land in the town of Moultonborough.

House Bill No. 403, An act providing for the merger and consolidation of corporations.

House Joint Resolution No. 24, Joint resolution in favor of H. W. Hillier of Lancaster.

The message further announced that the Senate had voted to concur with the House of Representatives in its adoption of the amendments offered by the Committee on Engrossed Bills to the following entitled bill and joint resolution:

Senate Bill No. 71, An act relative to conservation officers of the Fish and Game Department.

House Joint Resolution No. 67, (new draft,) Joint resolution in favor of Clyde Hudson and others.

The message further announced that the Senate had voted to concur with the House of Representatives in its amendments to the following entitled bill and joint resolution:

House Bill No. 231, An act relating to salaries of clerks of municipal courts.

Senate Bill No. 72, An act relative to the inspection of motor vehicles.

Senate Joint Resolution No. 8, Joint resolution in favor of Charles Hashim.

The message also announced that the Senate had voted to adopt the report of the Committee of Conference on House Bill No. 228, An act relating to the control of navigation at Hampton Harbor, the inlet so called, and the Hampton River.

House Bill No. 358, An act creating a state aeronautics commission.

### Committee Reports

On motion of Mr. Sanderson of Pittsfield the rules were suspended to allow for the presentation of a committee report which had not previously been advertised in the Journal.

Mr. Sanderson of Pittsfield, for the Committee on Appropriations, to whom was referred House Joint Resolution No. 78, Joint resolution in favor of Guy S.



Neal and others, reported the same with the recommendation that the joint resolution ought to pass.

The report was accepted and the bill ordered to a third reading.

On motion of Mr. Sanderson of Pittsfield the rules were suspended and the bill was made in order for a third reading and final passage at the present time.

The bill was then read a third time and passed and sent to the Senate for concurrence.

On motion of Mrs. McPhee of Andover the House adjourned from the morning session.

The House was immediately called to order in afternoon session.

### Afternoon

On motion of Mr. Baker of Concord the rules were suspended and the third readings of bills by their titles, and joint resolutions by their captions made in order.

### Third Readings

Senate Joint Resolution No. 4, Joint resolution in favor of Thomas J. Callahan.

Read a third time and passed and sent to the Secretary of State to be engrossed.

Senate Bill No. 74, An act relating to the salary of the Labor Commissioner.

The question being,

Shall the bill be read a third time?

Mr. Baker of Concord moved to reconsider the vote whereby the House ordered the bill to a third reading, and with that motion pending the bill be laid upon the table.

On a *viva voce* vote the motion prevailed.

On motion of Mr. Phelps of Marlow the House adjourned.

FRIDAY, JUNE 16, 1939.

The House met at 11:00 o'clock.

Prayer was offered by the Chaplain.

### Resolution

Mr. Pennell of Exeter offered the following resolution:

#### Resolution Relative to Ansel N. Sanborn

*Whereas*, The House has been most fortunate to have Ansel N. Sanborn for Speaker:

*And Whereas*, Every member has admiration for the outstanding qualities of the Speaker, his fairness, common sense, keen sense of humor, dignity, friendliness toward everyone especially children and faithfulness to the many duties of the office;

*And Whereas*, It is in large measure due to these, his characteristics, that the session is now drawing to an early close and has accomplished so much for the good of the State;

*Now, Therefore, Be it Resolved*, That the House extend its thanks to Ansel N. Sanborn for his able services as Speaker, and acknowledge the judgment, ability and squareness with which he has administered the office and be it further resolved that the Clerk be instructed to have a copy of these resolutions suitably engraved in permanent form and presented to him;

Done in the House of Representatives of The General Court of New Hampshire, Concord, June the sixteenth, in the year of our Lord nineteen hundred and thirty nine.

The resolution was unanimously adopted by a rising vote.

### Concurrent Resolution

Mr. Baker of Concord offered the following concurrent resolution:

**Concurrent Resolution**

*Resolved*, That the state planning and development commission be directed to investigate the expediency, feasibility and practicability of a state pier at Portsmouth and the expense of constructing the same, and that the commission shall make its report to the next session of the legislature.

The question being on the concurrent resolution.

(Discussion ensued)

Mr. Baker of Concord spoke in favor of the resolution.

On a *viva voce* vote the concurrent resolution was adopted, and sent to the Senate for concurrence.

**Taken from Table**

On motion of Mr. Baker of Concord, Senate Bill No. 74, An act relating to the salary of the Labor Commissioner, was taken from the table.

The question being on the motion to reconsider the vote whereby the House ordered the bill to a third reading.

(Discussion ensued)

Messrs. Baker of Concord and Sanderson of Pittsfield spoke in favor of the motion.

Messrs. Etsler of Claremont and Sherry of Dover spoke against the motion.

Mr. Smith of Hudson moved the previous question.

The question being,

Shall the main question now be put?

On a *viva voce* vote the previous question was ordered.

The question being on the motion to reconsider.

On a *viva voce* vote the Chair was in doubt.

Mr. Baker of Concord called for a division.

A division being had 190 members voted in the affirmative and 124 members voted in the negative and the motion to reconsider prevailed.

Mr. Baker of Concord offered the following amendment.

Amend the bill by inserting after section 1 a new section as follows: 2. *Deputy Insurance Commissioner*. Amend section 7 of chapter 271 of the Public Laws, as amended by chapter 165 of the Laws of 1929 and chapter 137 of the Laws of 1931, by striking out the words "eighteen hundred" in the third line and inserting in place thereof the words, twenty-five hundred, so that said section as amended shall read as follows: 7. *Compensation*. The annual salary of the commissioner shall be five thousand dollars, and of the deputy commissioner twenty-five hundred dollars, and shall be full compensation for their services. A temporary commissioner shall be paid five dollars a day for the time actually spent in the discharge of his duties and the governor and council shall audit and allow his account therefor.

Further amend by renumbering section 2 section 3.

On a *viva voce* vote the amendment was not adopted.

Mr. Boynton of Hillsboro offered the following amendment:

Amend the bill by inserting after section 1 a new section as follows:

2. Amend section 2, chapter 99 of the Public Laws as amended by section 1, chapter 166 of the Laws of 1929 and section 1, chapter 150 of the Laws of 1931 by striking out the word, "four" in line four and inserting in place thereof the word, five, so that said section as amended shall read as follows:

2. *Appointment; Salary*. A commissioner of motor vehicles shall be appointed by the governor, with the advice of the council, for a term of five years

and until his successor is appointed and qualified. His salary shall be five thousand dollars a year.

The question being on the amendment offered by Mr. Boynton.

(Discussion ensued)

Mr. Boynton of Hillsboro spoke in favor of the amendment.

On a *viva voce* vote the amendment was not adopted.

Mrs. Cooper of Nashua offered the following amendment:

Amend section 9 of chapter 68 of the Public Laws as amended, by striking out all of said section and inserting in place thereof the following:

9. *Salaries, etc.* The annual salary of the secretary shall be five thousand dollars and of each of the other two members four thousand dollars. All bills for supplies required by the commission, their necessary expenses while on the business of the commission, such assistants as may be employed and fees of witnesses summoned by the commission shall be paid by the state upon the approval of the governor and council.

The question being on the amendment offered by Mrs. Cooper.

(Discussion ensued)

Mrs. Cooper of Nashua spoke in favor of the amendment.

On a *viva voce* vote the amendment was not adopted.

Mr. Sanderson of Pittsfield offered the following amendment.

Amend the bill by inserting after section 1 a new section as follows: 2. *Bond; Assistants.* Amend section 4, chapter 99 of the Public Laws as amended by section 1, chapter 34 of the Laws of 1929 by striking out the words, "two thousand" and inserting in

place thereof the words, twenty-seven hundred, so that said section as amended shall read as follows:

4. *Bond; Assistants.* The governor and council shall fix the amount of his bond, and the number and compensation of his agents and clerks, including a cashier at a salary of twenty-seven hundred dollars a year and a chief clerk at a salary not exceeding seventeen hundred dollars a year, and shall assign suitable quarters in the state house for the department.

On a *viva voce* vote the amendment was not adopted.

The question being,

Shall the bill be read a third time?

On a *viva voce* vote the Chair was in doubt.

Mr. Fernald of Dover called for a division.

A division being had 174 members voted in the affirmative and 137 members voted in the negative and the bill was ordered to a third reading.

#### Committee of Conference

The Committee of Conference, to whom was referred House Bill No. 198, An act to provide for a revision of the Public Laws, having considered the same, report the same with the recommendation that the House recede from its position of non-concurrence and concur with the amendment sent down by the Honorable Senate.

CLARENCE J. AVERY,

FRANK J. BRYANT,

*Conferees on the part of the Senate.*

HARRIS H. RICE,

L. L. OSBORNE,

C. B. ETSLER,

*Conferees on the part of the House.*

On motion of Mr. Osborne of Sunapee the report of the Committee of Conference was adopted.



### Committee Reports

Mrs. Batchelder of Hanover, for the Committee on Engrossed Bills, to whom was referred House Bill No. 379, An act providing for a division of municipal accounting within the state commission reported the same under Joint Rule No. 6, with the following amendment and recommended that the bill as amended ought to pass.

Amend section 4 of the bill by striking out said section and inserting the following:

4. *Appropriation.* The sum of forty-five hundred dollars (\$4,500) is hereby appropriated for the Tax Commission for each of the fiscal years ending June 30, 1940, and June 30, 1941, to carry out the provisions of this act. The sums hereby appropriated shall be in addition to the sums appropriated for municipal accounting in the so-called Budget Acts making appropriations for the state departments for said fiscal years.

On motion of Mrs. Cooper of Nashua the House concurred in the adoption of the amendment proposed by the Committee on Engrossed Bills.

Mrs. Batchelder of Hanover, for the Committee on Engrossed Bills, to whom was referred House Bill No. 392, An act authorizing agricultural co-operative associations to generate, transmit, and distribute electric energy and to conduct other services in connection therewith, reported the same under Joint Rule No. 6, with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend the paragraph numbered 3-C in section 1 of said bill by striking out the word "sub-paragraph" and inserting the word section.

On motion of Mr. Duncan of Jaffrey the House concurred in the adoption of the amendment proposed by the Committee on Engrossed Bills.

The bills were then sent to the Secretary of State to be engrossed.

### Message from the Senate

A message from the Honorable Senate by its Clerk announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bill, sent up from the House of Representatives:

House Bill No. 95, An act to establish a new apportionment for the assessment of public taxes.

The message further announced that the Senate concurred with the House of Representatives in the passage of the following entitled bill, with amendment, in the passage of which amendment the Senate asked the concurrence of the House of Representatives:

House Bill No. 59, An act relating to the practice of optometry.

Amend section 1 of the bill by striking out the words "the practice of optometry" in the seventh line thereof, so that said section as amended will read:

1. Amend chapter 207 of the Public Laws, by adding after section 30, the following section:

31. *Rules and Regulations.* Said board may make and promulgate necessary rules and regulations governing the procedure of the board, the admission of applicants for examination for certificates of registration as optometrists, and for the enforcement of this chapter and the carrying out of the intent and purposes therein expressed.

The question being on the amendments sent down from the Honorable Senate.

On motion of Mr. Shaw of Franklin the House non-concurred in the amendments sent down from the Hon-

orable Senate and a Committee of Conference was appointed.

The Speaker appointed as members of such committee, Messrs. Bernard of Manchester, Etsler of Claremont and Shaw of Franklin.

House Bill No. 431, An act relative to bonds of wholesaler and manufacturer permittees for the sale of certain alcoholic beverages and for a building for the state liquor commission.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1. Amend chapter 99 of the Laws of 1933, by inserting after section 22, as inserted by section 4 chapter 134 of the Laws of 1939, the following section: 22-a. *Bond Required.* Each wholesaler or manufacturer holding a permit under the provisions hereof shall annually give to the State of New Hampshire a bond with sureties satisfactory to the commission in such penal sum as may be determined by the commission, but not exceeding ten thousand dollars, conditioned upon the payment of the fees required under the provisions of this chapter. The amounts due under said bond shall be recoverable in an action of debt to be brought by the attorney general upon complaint of said commission. The commission may waive the giving of such bond if reports and payments are made at times which precede the statutory requirements and which are satisfactory to the commission.

2. *Appropriation.* A sum not exceeding one hundred and twenty thousand dollars (\$120,000) or so much thereof as may be necessary is hereby appropriated for the purpose of constructing and equipping a building for the use of the state liquor commission for an office building and liquor warehouse, provided a grant is made by the federal government in connection therewith.

3. *Expenditure.* Said appropriation shall be expended by the state liquor commission in accordance with plans and specifications to be approved by the governor and council.

4. *Location; Use of Building.* Said building shall be located in the city of Concord on Bridge street on land acquired by the state by deed from Rubie J. Corser, dated October 5, 1935. If, at any time, there shall be available in said building any space which in the opinion of the state liquor commission is not needed by said commission said space may be assigned by the governor and council to any other state department.

5. *Federal Assistance.* The governor and council are hereby authorized to co-operate with and enter into such agreements with the federal government, or any agency thereof, as they may deem advisable to secure federal funds for the purposes of this act. In case federal funds are made available for the purposes hereof and the appropriation made by section 1 thus becomes effective the federal funds secured shall not be in addition to the amount appropriated by the state but the total amount of state and federal funds expended for the purposes hereof shall not in any event exceed the sum of one hundred and twenty thousand dollars.

6. *State Funds.* From the net revenue derived from the sale of liquor in state stores, as provided by chapter 3 of the Laws of the special session of 1934, the state treasurer is hereby authorized to establish a special fund of not exceeding the sum of one hundred and twenty thousand dollars to provide the necessary funds to carry out the provisions of this act, provided a federal grant is made available for the purposes hereof. If said special fund is provided the governor

is hereby authorized to draw his warrants from said fund for the purposes hereof.

7. *Takes Effect.* This act shall take effect July 1, 1939.

Reading of the amendment having commenced Mr. Chase of Manchester moved that further reading of the amendment be dispensed with.

The question being on the motion of Mr. Chase.

(Discussion ensued)

Mr. Chase of Manchester spoke in favor of the motion.

On a *viva voce* vote the motion to dispense with further reading of the amendment did not prevail.

Mr. Chase of Manchester moved that the House non-concur and asked for a Committee of Conference.

The question being on the motion of Mr. Chase.

(Discussion ensued)

Mr. Chase of Manchester spoke in favor of the motion.

Mr. Sanderson of Pittsfield moved that the House concur in the amendments sent down from the Honorable Senate.

The question being on the motion of Mr. Sanderson.

(Discussion ensued)

Messrs. Sanderson of Pittsfield, O'Shan of Laconia, Hancock of Concord, and Sherry of Dover spoke in favor of the motion.

Messrs. Woodbury of Ward 2, Manchester, Greene of Laconia and Chase of Manchester spoke against the motion.

Mr. Hamilton of Lisbon moved the previous question.

The question being,

Shall the main question now be put?

On a *viva voce* vote the previous question was ordered.

The question being on the motion to concur.

On a *viva voce* vote the Chair was in doubt.

Mr. Sanderson of Pittsfield called for a division.

Mr. Dulac of Manchester demanded the yeas and nays and the roll was called with the following result:

**Yeas, 242**

ROCKINGHAM COUNTY: Havican, Persson, Goodrich, Corson, Avery of East Kingston, Fecteau, Bourn, Pennell, Thompson of Exeter, Tozier, Beede, Adams of Hampton, Nesmith, Smith of Newfields, Hoyt of Newington, Labranche, Willey, Prescott, Knowles, Rowell of Northwood, Palmer of Plaistow, Fransoso, Foote, Gray, Marston, Yeaton, Cogan, Burkhardt, Liberson, Quimby, Tucker, Barron, Peever, Smith of Seabrook, Jewell of Stratham.

STRAFFORD COUNTY: Hayes of Barrington, Loughlin, Sherry, Cronin, King, Ouellette, Fernald of Dover, Garland, Brown of Dover, Lucas, Pilgrim, Smart, Pray, Emerson of Rochester, Studley, Seavey, Habel, Boucher, Hebert, St. Laurent, Dubois.

BELKNAP COUNTY: Rollins, Hier, Lord, O'Shan, Tarlson, Normandin, Tilton, Ward 3, Laconia, Roucher, Rivers, Brown of Meredith, Neal, Smith of New Hampton, Goodwin of Tilton.

CARROLL COUNTY: Simpson of Bartlett, Downs, Gale, Banfield, Merrow, Carpenter, Jewell of Wolfboro.

MERRIMACK COUNTY: Guilbeault, Morrill, Dunlap, Hancock, Conlon, Nash, Osborne of Concord, Saltmarsh, Sturtevant, Bunten, Freeman, George, Maxham, Hoyt of Concord, Harrison, Paveglio, Collins of Danbury, Milburn, Maxfield, Lemire, Dempsey, Shaw,



DuDevoir, Merrill of Loudon, Swift, Perkins, Sander-  
son, Clark of Salisbury, Cloues, Stuart.

HILLSBOROUGH COUNTY: Graham, Michie, Clark of  
Francestown, Boynton, Gay, Smith of Hudson, John-  
son, Kimball, Barry of Manchester, Ward 3, Dwyer,  
Shea of Manchester, Talty, Frain, McGowan, Betley,  
Dulac, Lacroix, Barry of Manchester Ward 6, Booth,  
Connolly, Fox, Gaumont, Jean, Turcotte, Benoit of  
Manchester, Ward 8, Bouthiette, Donnelly, Gelinas,  
Wedick, Boisvert of Manchester, Driscoll, Plante,  
Brown of Manchester, Caron of Manchester, Ward 10,  
Gilmartin, Mullen, Aubin, Soucy, Gauthier, Ladouceur,  
Rousseau, Whitaker, Wadleigh, Erlando, Atherton,  
Cooper, Woodbury of Nashua, Griswold, Belanger,  
Sullivan, Thomas F., of Nashua, Sullivan, Timothy J.,  
of Nashua, Berube, Marquis, Moussette, Fournier, St.  
Francois, Shea of Nashua, Goyette, Ledoux, Lougee,  
Cormier, Grandmaison, Joyce, Wilcox, Hurbonovich,  
Senechal, Shedd, Jones, Myhaver, Peaslee.

CHESHIRE COUNTY: Moore, Thomas, Miller of  
Fitzwilliam, Robertson, Batchelor, Knowlton of Keene,  
Martin, Dort, Lichman, Duffy, Tarbox, Phelps, Bul-  
lock, Lane, Chickering, Relihan, Britton, Ingham.

SULLIVAN COUNTY: Babcock, Converse of Clare-  
mont, Etsler, Holt, Howe, Hutchins of Claremont,  
Officer, Putnam, Russell of Claremont, Warner, Bar-  
ton, Donovan, Kempton, Maley, Rowell of Newport,  
Whitney, Osborne of Sunapee, Callum.

GRAFTON COUNTY: Bailey of Bath, Noyes of Beth-  
lehem, Pulsifer, Campbell, Ashley, Hodge, Dean, Stro-  
bridge, Hamilton, Bowker, Hildebrand, Santy, Bell,  
Merrill of Plymouth.

COOS COUNTY: Hinchey, Smith of Berlin, Ward 1,  
Montminy, Smith of Berlin, Ward 2, Trottier, Ram-  
sey, Bixby, Laforce, Congdon, Hartford, Rowden, Con-  
verse of Pittsburg, Boothman, Phelan, Hinman.

## Nays, 102

ROCKINGHAM COUNTY: Grinnell, Hepworth, Miller of Greenland, Emerson of Hampstead, Creighton, Reinhart, Palfrey.

STRAFFORD COUNTY: Hayes of Dover, Hale, Conrad, Beaudoin, Potvin, Greenfield, Berry.

BELKNAP COUNTY: Adams of Belmont, Price, Greene, Simpson of Laconia.

CARROLL COUNTY: Mudgett, Russell of Conway, Fernald of Jackson, Nickerson, Knox, Young of Tuf-tonboro.

MERRIMACK COUNTY: MacPhee, Nichols, Woodbury of Bow, Trow, Sanborn of Chichester, Kemp, Tilton of Concord, Yeaton of Epsom, Nelson of Hopkinton, Batchelder of Northfield, Boisvert of Pembroke, Anderson.

HILLSBOROUGH COUNTY: Bills, Wiggin, Powers, Brown of Goffstown, Hambleton, Pattee, Tuttle, Wilson, Chase, Daniels, Knowlton of Manchester, Gage, Woodbury of Manchester, Ward 2, Woodbury of Manchester, Ward 3, O'Neil, Carroll, Duval, Bass.

CHESHIRE COUNTY: Winslow, Hanson, Clark of Harrisville, Duncan, Sawyer of Jaffrey, Callahan, Frissell, Gates, Rice, Perry, Wheeler, Smith of Troy, Nelson of Winchester.

SULLIVAN COUNTY: Hutchins of Charlestown, Witherill, Hastings, Hall, Davison.

GRAFTON COUNTY: Tyler, Coolidge, Walbridge, Leonard, Batchelder of Hanover, Tuxbury, Craig, Smith of Hebron, Marden of Holderness, Cannell, Dow, French, Howard, Hoyt of Lebanon, Collins of Lisbon, Whitcomb, Bailey of Lyme, Lufkin, Taylor, Sawyer of Woodstock.

COOS COUNTY: Barden, Mason, Palmer of Berlin,

Emerson of Dalton, Stiles, Keough, Willis, Crawford, Cryan, Peabody, McIntyre.

And the motion to concur prevailed.

The Senate refused to concur with the House of Representatives in the passage of the following entitled bill, sent up from the House of Representatives:

House Bill No. 439, An act relative to the powers of the city councils of the city of Dover.

On motion of Mr. Atherton of Nashua the House was in recess for one hour.

### After recess

### Communication

The following letter was read.

*To the members of the 1939 Legislature:* I wish to thank you for the generous check which you sent me.

Please know that I sincerely appreciate your thoughtfulness.

MILDRED T. AVERY,  
(MRS. LESTER M. AVERY.)

On motion of Mr. Baker of Concord bills in order for the third reading were made in order at the present time.

### Third Reading

Senate Bill No. 74, An act relating to the salary of the Labor Commissioner.

Read a third time and passed and sent to the Secretary of State to be engrossed.

### Message from the Senate

A message from the Honorable Senate by its Clerk announced that the Senate concurred with the House of Representatives in the passage of the following entitled bill, with amendments, in the passage of which

amendments the Senate asked the concurrence of the House of Representatives:

House Bill No. 427, An act relating to fly fishing.

Amend the title by adding at the end thereof the following: and extending the time for the issuance of certain notes and bonds heretofore authorized, so that said title as amended shall read as follows:

An act relating to fly fishing and extending the time for the issuance of certain notes and bonds heretofore authorized.

Amend said bill by inserting after section 2 the following new section:

3. The time limit within which notes, short term notes and bonds may be issued under chapter 20 of the Laws of 1935, as amended, relative to a state board of welfare and relief, chapter 134 of the Laws of 1935, relative to the improvement of Ryé Harbor and chapter 143 of the Laws of 1935, relating to state building, is hereby extended to July 1, 1942. The authorization to issue notes, short term notes and bonds heretofore given under said chapters is hereby in every way ratified, confirmed and approved.

Further amend said bill by renumbering section 3, section 4.

The amendments were referred to the Committee on Appropriations.

### Committee Reports

Mrs. Batchelder of Hanover, for the Committee on Engrossed Bills, reported that the committee had examined and found correctly engrossed the following entitled bills and joint resolutions:

Senate Bill No. 71, An act relating to conservation officers of the fish and game department.

Senate Bill No. 72, An act relative to the inspection of motor vehicles.

House Bill No. 351, An act permitting trustee process to be served on the state in personal actions against state officials or employees.

House Bill No. 403, An act providing for the merger and consolidation of corporations.

House Bill No. 433, An act relating to the New Hampshire water resources board.

House Bill No. 435, An act to provide for reimbursement on account of loss to towns and cities for loss in tax valuation incidental to flood control projects.

House Bill No. 442, An act relating to the bond issue of Belknap county.

House Joint Resolution No. 24, Joint resolution in favor of H. W. Hillier of Lancaster.

House Joint Resolution No. 67, Joint resolution in favor of Clyde Hudson.

House Bill No. 346, An act to legalize the biennial election held on the 8th day of November 1938, in the town of Middleton.

House Bill No. 338, An act for improvements at the state prison.

House Bill No. 379, An act providing for a division of municipal accounting within the state tax commission.

House Bill No. 392, An act authorizing agricultural co-operative associations to generate, transmit, and distribute electric energy and to conduct other services in connection therewith.

House Joint Resolution No. 78, Joint resolution in favor of Guy S. Neal and others.

Senate Bill No. 49, An act relating to Oliverian brook in Benton and Warren and Three pond brook in Rumney, and the use of artificial flies for taking fish in certain waters.

House Bill No. 275, An act relating to workmen's compensation.

House Bill No. 300, An act to make uniform the law with reference to trust receipts and pledges of personal property unaccompanied by possession in the pledgee.

House Bill No. 422, An act to repeal charters of certain corporations.

House Bill No. 428, An act relating to fishing in Ferrin pond in Weare.

House Bill No. 437, An act relative to examinations for the practice of optometry.

House Bill No. 440, An act relating to the department of state police.

House Bill No. 443, An act relating to the general funds of the state.

The report was accepted.

### Message from the Senate

A message from the Honorable Senate by its Clerk announced that the Senate had voted to concur with the House of Representatives in the passage of the following joint resolution, sent up from the House of Representatives:

House Joint Resolution No. 78, Joint resolution in favor of Guy S. Neal and others.

The message further announced that the Senate had voted to adopt the report of the Committee of Conference on House Bill No. 198, An act to provide for a revision of the Public Laws.

The message further announced that the Senate had voted to concur with the House of Representatives in its adoption of the amendments offered by the Committee on Engrossed Bills to the following entitled bills:

House Bill No. 379, An act providing for a division of municipal accounting within the state tax commission.



House Bill No. 392, An act authorizing agricultural co-operative associations to generate, transmit, and distribute electric energy and to conduct other services in connection therewith.

The message further announced that the Senate had voted to accede to the request of the House of Representatives for a Committee of Conference on House Bill No. 59, An act relating to the practice of optometry, and the President has appointed on such a committee on the part of the Senate, Senators Avery and Munroe.

The message also announced that the Senate had voted to adopt the amendments offered by the Committee on Engrossed Bills to the following house bills, in the adoption of which amendments the Senate asked the concurrence of the House of Representatives:

House Bill No. 393, An act providing for the reconstruction of a toll bridge at Hampton harbor.

Amend section 9 of the bill by striking out the words "Out of such toll receipts," in the fifth line.

On motion of Mr. Smith of Seabrook the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 432, An act providing a deficiency appropriation for certain state departments.

Amend section 1 of said bill by inserting after the word "departments" the words, and for certain items.

Further amend said section by inserting after the word "sums" the word hereby.

On motion of Mr. Wadleigh of Milford the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

### Resolutions

Mr. Whitaker of Mason offered the following resolution:

*Resolved*, That the members of the quartet who have kindly obliged us so frequently with their singing be given a rising vote of thanks in appreciation of their services.

The resolution was unanimously adopted by a rising vote.

Mr. Holt of Sandwich offered the following resolution:

*Resolved*, Whereas, the lady members at the opening of the 1939 session, voluntarily, thoughtfully and courteously motioned and carried a rule that granted the men members the privilege to enjoy the universal weed tobacco to their heart's content, before the tax goes on.

We, the men, wish to express our thanks and appreciation by a rising vote.

The resolution was unanimously adopted by a rising vote.

### Recess

### After Recess

### Message from the Senate

A message from the Honorable Senate by its Clerk announced that the Senate concurred with the House of Representatives in the passage of the following entitled bill, with amendments, in the passage of which amendments the Senate asked the concurrence of the House of Representatives:

House Bill No. 315, An act to provide for additional facilities for the state hospital.

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1. *Appropriation.* For the purpose of additional facilities for the state hospital there is hereby appropriated the sum of one million dollars for such of the following items as the Governor and Council may approve; (a) to cover the cost to change the electric system from D. C. to A. C. current, including wiring, motors and equipment; (b) power plant equipment; (c) pump and elevator for the Thayer building; (d) new steam main for the Walker building; (e) exhaust heaters for the Walker and Tobey buildings; (f) vacuum system for the Kent building; (g) laundry equipment; (h) renovation of water mains and hydrants; (i) construction and equipment of a medical-surgical building or admission building; (j) the construction and equipment of two patients' dormitories of one hundred beds each to be located on land of the Laconia State school, the site to be chosen by the trustees of said school with the approval of the Governor and Council; said dormitories upon completion shall be under the jurisdiction and control of the trustees of said school, feeble-minded adults may, with the approval of the trustees and superintendent of said school, be transferred from the state hospital by its superintendent to said dormitories and other feeble-minded adults may, with the approval of the trustees and superintendent of said school, be committed thereto, as now by law permitted; (k) purchase of land, to be located not more than five miles from the present hospital grounds in Concord; (l) for additions and extensions to the commissary department.

The appropriation hereby made shall be expended by the trustees of the state hospital in accordance with plans and specifications to be approved by the Governor and Council.

Amend the title of said bill by striking out the same and substituting in place thereof the following:

An act relative to the state hospital and Laconia state school.

On motion of Mr. Hoyt of Concord the House non-concurred in the amendments sent down from the Honorable Senate and a Committee of Conference was appointed.

The Speaker appointed as members of such committee on part of the House, Messrs. Seavey of Rochester, Hoyt of Concord, and Osborne of Sunapee.

### Committee of Conference

The Committee of Conference, to whom was referred House Bill No. 59, An act relating to the practice of optometry, having considered the same, report the same with the recommendation that the House recede from its position of non-concurrence and adopt the amendments sent down by the Honorable Senate.

CLARENCE J. AVERY,  
OLIVER H. MUNROE,

*Conferees on the part of the Senate.*

CHARLES H. BARNARD,  
C. B. ETSLER,  
JAMES S. SHAW,

*Conferees on the part of the House.*

On motion of Mr. Barnard of Manchester the report of the Committee of Conference was adopted.

**The House took a Recess for one Hour**

**After Recess**

### Committee Reports

Mr. Sawyer of Woodstock, for the Committee on Engrossed Bills, reported that the committee had ex-

amined and found correctly engrossed the following entitled bills and joint resolution:

Senate Bill No. 74, An act relating to salary of the labor commissioner.

House Bill No. 327, An act establishing a commission for the purpose of studying the possibilities of protecting individuals unemployed because of sickness or ill health.

House Bill No. 393, An act providing for the reconstruction of a toll bridge at Hampton Harbor.

House Bill No. 430, An act providing funds for improvements in the state house.

House Bill No. 432, An act providing a deficiency appropriation for certain state departments.

House Bill No. 441, An act relative to trucks used for timber salvage.

Senate Joint Resolution No. 8, Joint resolution in favor of Charles Hashim.

The report was accepted.

Mrs. Batchelder of Hanover, for the Committee on Engrossed Bills, to whom was referred Senate Joint Resolution No. 4, Joint resolution in favor of Thomas J. Callahan, reported the same under Joint Rule No. 6, with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend said resolution by inserting after the word "department" in the thirteenth line the words, as workmen's compensation for said injuries.

On motion of Mr. Guay of Laconia the House concurred in the adoption of the amendment proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

### Message from the Senate

A message from the Honorable Senate by its Clerk announced that the Senate had voted to accede to the

request of the House of Representatives for a Committee of Conference on House Bill No. 315, An act to provide for additional facilities for the state hospital.

The President has appointed as members on such committee on the part of the Senate, Senator Bond and Page.

The message also stated that the Senate has voted to adopt the report of the Committee of Conference on House Bill No. 59, An act relating to the practice of optometry.

The message also announced that the Senate had voted to adopt the amendments offered by the Committee on Engrossed Bills to the following house bills, in the adoption of which amendments the Senate asked the concurrence of the House of Representatives:

House Bill No. 231, An act relating to salaries of clerks of municipal courts.

Amend section 1 of said bill by inserting before the word "monthly" in the ninth line the word, equal.

On motion of Mr. Barnard of Manchester, the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 376, An act providing for improvements at Rye Harbor.

Amend section 1 of said bill by striking out the words "developing and dredging" and inserting in place thereof the words, dredging and improvement of.

Amend section 5 of said bill by striking out the words "and forty" in the third line.

On motion of Mr. Adams of Hampton the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.



The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 416, An act to protect the golden and bald eagle.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *Definition.* Amend the paragraph relative to unprotected birds in section 1, chapter 197, Public Laws, as inserted by section 1, chapter 124, Laws of 1935, by striking out said paragraph and inserting in place thereof the following: Unprotected Birds: English sparrows, European starlings, owls, crows and hawks except the golden and bald eagle and except such birds as are protected by the laws of the federal government.

2. *Golden and Bald Eagle.* Amend chapter 199 of the Public Laws, as inserted by section 3, chapter 124, Laws of 1935, by inserting after section 6 the following new section: 6-a. *Prohibition.* No person shall hunt, capture, kill, take, or possess any golden or bald eagle and no person shall molest or disturb the nest or young of any of said birds. Any person who violates any of the provisions of this section shall be fined not more than fifty dollars.

On motion of Mr. Carpenter of Wolfeboro the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

### Resolution

Miss Greenfield of Rochester offered the following resolution:

**Resolution of thanks to Edward T. McShane**

*Whereas*, The printing of our daily Journals, bills and joint resolutions is of the utmost importance, and

*Whereas*, This work has been done by the Granite State Press of Manchester expeditiously, faithfully and with unfailing courtesy, therefore be it

*Resolved*, That we extend to its owner, Edward T. McShane, our sincere thanks and appreciation for these services and his great assistance and cheerful manner in carrying out the duties connected with this work.

The resolution was unanimously adopted by a rising vote.

Mr. Barnard of Manchester offered the following resolution:

**Resolution**

*Resolved*, By the House of Representatives, the Senate concurring, that a committee of ten be appointed to join with such committee as the Senate may designate to wait upon His Excellency, the Governor, and inform him that the Legislature has completed the business of the session and is ready to receive any communication he may be pleased to make.

On a *viva voce* vote the resolution was adopted.

The Speaker appointed as members on such committee Mrs. Bourn of Exeter, Mrs. Hayes of Barrington, Mr. Lord of Gilford, Mrs. Banfield of Moultonboro, Mrs. McPhee of Andover, Mrs. Woodbury of Manchester, Ward 3, Mrs. Hanson of Gilsum, Mr. Hall of Langdon, Mrs. Hoyt of Lebanon, Mrs. Styles of Dummer.

**Letters Read**

The following letters were read by the Speaker :

*Speaker Ansel N. Sanborn,  
House of Representatives,  
Concord, New Hampshire.*

DEAR SIR:

I herewith submit my resignation as member of the House of Representatives to take effect June 17, due to my accepting a Federal position.

Yours respectfully,

JAMES J. SHEA, JR.,

I herewith tender my resignation as a member of the House of Representatives from Manchester, Ward 9, as I have accepted a position with the Federal Government. Resignation to take effect June 17, 1939.

Very truly yours,

LIONEL E. PLANTE.

I herewith tender my resignation as a member of the House of Representatives from Ward 6, Manchester, as I have accepted a position with the Federal Government. Resignation to take effect June 17, 1939.

Very truly yours,

FRANK M. FOX, JR.

I herewith submit my resignation as member of the House of Representatives to take effect June 17, due to my accepting a Federal position.

Yours respectfully,

PAUL L. GILMARTIN,

On motion of Mr. Barnard of Manchester the resignations were accepted.

### Concurrent Resolution

Mr. Booth of Manchester offered the following concurrent resolution:

*Resolved*, By the House of Representatives, the Senate concurring: That Joint Rule No. 11 be so far suspended as to permit a bill, enabling the County of Hillsborough to issue bonds in an amount not exceeding four hundred thousand dollars (\$400,000) to be transmitted from one branch of the legislature to the other notwithstanding the fact that it is now less than twenty-four hours before the time fixed for adjournment.

The question being on the resolution.

(Discussion ensued)

Messrs. Booth of Manchester, Smith of Hudson, and Gilmartin of Manchester spoke in favor of the motion.

Messrs Myhaver and Bass of Peterborough, Ather-ton of Nashua, Chase of Manchester, Erlando of Mont Vernon, Powers of Brookline, and Gay of Hills-boro spoke against the motion.

Mr. Clark of Francestown moved the previous question.

The question being,

Shall the main question now be put?

On a *viva voce* vote the previous question was ordered. The question being on the concurrent resolution.

Mr. Myhaver of Peterborough called for a division.

A division being had 45 members voted in the affirmative and 238 members voted in the negative and the concurrent resolution was not adopted.

### Message from the Senate

A message from the Honorable Senate by its Clerk announced that the Senate had voted to concur with the House of Representatives in its adoption of the amendments offered by the Committee on Engrossed Bills to the following joint resolution:

Senate Joint Resolution No. 4, Joint resolution in favor of Thomas J. Callahan.

### Committee Report

On motion of Mr. Sanderson of Pittsfield the rules were suspended to allow for the presentation of a committee report which had not previously been advertised in the Journal.

Mr. Sanderson of Pittsfield, for the Committee on Appropriations, to whom was referred House Bill No. 427, An act relating to fly fishing, reported the same with the recommendation that the bill and the amendment be indefinitely postponed.

The question being on the report of the committee.

(Discussion ensued)

Mr. Sanderson of Pittsfield spoke in favor of the report of the committee.

On a *viva voce* vote the report of the committee was adopted.

### Resolution

Mr. Pennell of Exeter offered the following resolution.

*Resolved*, That the State Planning and Development Commission be directed to investigate the expediency, feasibility and practicability of a state pier at Portsmouth and the expense of constructing the same and that the commission shall make its report to the next session of the Legislature.

On a *viva voce* vote the resolution was adopted.

**Recess****After recess****Introduction**

Mr. Boyd Richards, member of the Virginia House of Representatives, was introduced to the House.

**Report of Committee of Conference**

The Committee of Conference, to whom was referred House Bill No. 315, An act relative to the State Hospital and Laconia State School, having failed to come to any agreement, recommend that the committee be discharged and that a new committee be appointed.

CURTIS H. PAGE,  
ERNEST H. BOND,

*Conferees on the part of the Senate.*

RALPH F. SEAVEY,  
WILLIAM H. HOYT,  
LEO L. OSBORNE,

*Conferees on the part of the House.*

The report was accepted.

The Speaker appointed the following members on such a committee on the part of the House, Messrs. Seavey of Rochester, Hoyt of Concord and Osborne of Sunapee.

Mr. Sawyer of Woodstock, for the Committee on Engrossed Bills, reported that the committee had examined and found correctly engrossed the following entitled bills and joint resolution:

House Bill No. 59, An act relating to the practice of optometry.

House Bill No. 198, An act to provide for a revision of the public laws.



House Bill No. 203, An act relating to the taking of raccoon.

House Bill No. 231, An act relating to salaries of clerks of municipal courts.

House Bill No. 376, An act providing for improvements at Rye Harbor.

House Bill No. 416, An act to protect the golden and bald eagle.

Senate Joint Resolution No. 4, Joint resolution in favor of Thomas J. Callahan.

The report was accepted.

### Message from the Senate

A message from the Honorable Senate by its Clerk announced that the Senate had refused to concur in the following concurrent resolution.

*Resolved*, That the State Planning and Development Commission be directed to investigate the expediency, feasibility and practicability of a state pier at Portsmouth and the expense of constructing the same, and that the Commission shall make its report to the next session of the Legislature.

The message further announced that the Senate refused to concur with the House of Representatives in the passage of the following entitled bill, sent up from the House of Representatives:

House Bill No. 395, An act relative to the adoption of minors.

The message further announced that the Senate had voted to concur with the House of Representatives in the adoption of the following resolution:

*Resolved*, By the House of Representatives, the Senate concurring, that a committee of ten be appointed to join with such committee as the Senate may designate to wait upon His Excellency the Governor and inform him that the Legislature has completed the

business of the session and is ready to receive any communication he may be pleased to make.

And the President has appointed as members of such committee on the part of the Senate, Senators Weston, Butler, Fairbanks, Mahoney and Marcoux.

### Recess

### After recess

### Committee of Conference

The Committee of Conference, to whom was referred House Bill No. 323, An act making appropriations for the expenses of the State of New Hampshire for the year ending June 30, 1940, having considered the same recommend that the House recede from its position of non-concurrence and that the Senate recede from its position in adopting its amendments, and that the Senate and House adopt the following amendments:

Amend the second item of appropriation by striking out the words, "State government association" and insert in place thereof the words, Council of state governments.

Amend the paragraph relative to the executive department as follows: for council per diem and expenses strike out the figure "\$7,000" and insert the figure \$6,500; strike out the words "per diem compensation and expenses of the council shall be paid from this fund and no compensation or expenses shall be paid from any other state funds; for emergency fund, strike out the figure "\$40,000" and insert the figure \$45,000; change the total for said department from \$70,665 to \$75,165.

Amend the paragraph relative to the department of agriculture as follows: for salaries of clerks and assistants, for insect suppression, strike out the figure "\$7,865" and insert the figure \$8,765; strike out the

total for insect suppression "\$11,600" and insert the figure \$12,500; for bureau of markets, for salaries, strike out the figure "\$3,025" and insert the figure \$3,187; change the total for said bureau from \$3,800 to \$3,962 and change the total for said department from \$146,547 to \$147,609.

Amend the paragraph relative to the comptroller's department as follows: for concurrent expenses strike out the figure "\$2,300" and insert the figure \$2,500; insert the following items:

Mailing division—

Clerical expenses .....	\$3,435
Current expenses .....	365

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Total .....	\$3,800
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change the first total for said department from "\$27,112.50" to \$31,112.50 and the final total for said department from "\$34,362.50" to \$38,362.50.

Amend the paragraph relative to the insurance department as follows: for clerical expenses strike out the figure "\$8,550" and insert the figure \$10,550; for current expenses strike out the figure "\$4,000" and insert the figure \$4,850; change the total for said department from "\$21,850" to \$24,700.

Amend the paragraph relative to the bureau of labor as follows for clerical expenses strike out the figure "\$5,025" and insert the figure \$5,525; for salary of commissioner strike out the figure "\$3,000" and insert the figure \$4,000; change the first total from \$11,125 to \$12,625 and the total for the department from \$55,625 to \$57,325.

Amend the paragraph relative to the state department as follows: for current expenses strike out the figure "\$2,300" and insert the figure \$2,700; change the first total from "\$19,325" to \$19,725; and after

direct primary the words and figures "Presidential primary \$7,000; Daniel Webster birthplace \$900"; change the total for the department from "\$26,955" to \$35,255.

Amend the paragraph for the state house department as follows: for other salaries strike out the figure "\$41,220" and insert the figure \$44,250; for current expenses strike out the figure "\$44,700" and insert the figure \$46,700; strike out the following "Daniel Webster birthplace \$780"; change the total for said department from \$100,539 to \$104,789.

Amend the paragraph for weights and measures as follows: for clerical expenses strike out the figure "\$1,000" and insert the figure \$1,500; strike out the word and figure "equipment \$250"; change the total for said department from "\$17,655" to \$17,905.

Amend the paragraph for the industrial school as follows: for custodial care, for current expenses strike out the figure "\$17,800" insert the figure \$18,620; change the total for custodial care from \$38,770 to \$39,590 and change the total for said institution from \$89,985 to \$90,805.

Amend the paragraph relative to state prison by changing the total thereof from \$125,180 to \$127,180.

Amend the paragraph relative to state board of education as follows: strike out the words "normal school" where they occur and insert in place thereof the words teachers' college; amend the paragraph after the figures by striking out the same and inserting in place thereof the words,

In addition to the above appropriation said department shall receive for disbursement the income of the teachers' colleges dormitories and practice schools, and the sums paid by school districts for the salaries of

superintendents under section 40, chapter 117 of the Public Laws. In this department any balance, excepting the equalization fund, which may be unexpended in any fiscal year, shall be placed in a special fund available for use for maintenance purposes the following year by and with the consent of the governor and council.

Amend the paragraph relative to the board of health as follows: for control of venereal diseases, for current expenses strike out the figure "\$1,920" and insert the figure \$2,680; change the total for venereal diseases from \$8,140 to \$8,900; for laboratory of hygiene, current expenses strike out the figure "\$4,150" and insert the figure \$4,550; change the total for said laboratory from "\$20,432" to \$20,832; for sanitation, for current expenses, strike out the figure "\$2,850" and insert the figure \$3,250; change the total for sanitation from \$11,450 to \$11,850 and the total for said department from \$86,677 to \$88,237.

Amend the paragraph for department of welfare as follows: for field services revenue strike out the figure "\$48,921.68" and insert the figure \$47,521.68; change the total for field services from \$106,509.32 to \$107,908.32; change the first total for the department from \$881,054.15 to \$882,454.15 and the next total from \$813,554.14 to \$814,954.15.

Amend the paragraph for the cancer commission by striking out the same and inserting the following:

Professional service .....	\$12,500
Clerical expenses .....	3,750
Current expenses .....	16,100
Equipment .....	150

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Change the total for planning and development commission from \$115,914 to \$116,414.

Amend the paragraph for public library commission as follows: for books strike out the figure \$2,000 and insert the figure \$3,000; change the total from \$2,675 to \$3,675; for field work strike out the figure "\$1,265" and insert the figure \$2,465; change the total for said department from \$15,895 to \$18,095.

Amend the paragraph for the public service commission as follows: for engineers, etc., strike out the figure "\$44,050" and insert the figure \$44,200; change the first total from \$87,255 to \$87,405 and the next total from \$64,755 to \$64,905.

Amend the paragraph for the tax commission by inserting before the total the following items:

For administration of tobacco tax—

Clerical expenses .....	\$14,800
Current expenses .....	14,600
Equipment .....	600

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Total ..... \$30,000

change the total for the department from \$39,975 to \$69,975.

Amend the paragraph for the milk control board as follows: for current expenses strike out the figure \$4,189 and insert the figure \$5,189; change the total for the department from \$12,000 to \$13,000.

Insert the following before the appropriation for the pharmacy commission:

For water resources board .....	\$20,000
For Eastern States' Exposition building commission .....	\$1,000

Further amend said bill by adding at the end after section 1 the following new section:



2. *Takes Effect.* This act shall take effect July 1, 1939.

GEORGE W. BOYNTON,  
ROBERT H. SANDERSON,  
LEO L. OSBORNE,  
KENNETH G. BELL,  
RALPH F. SEAVEY,

*Conferees on the part of the House.*

THOMAS B. O'MALLEY,  
CHARLES F. BUTLER,  
CURTIS H. PAGE,

*Conferees on the part of the Senate.*

The reading of the amendment having commenced, on motion of Mr. Seavey of Rochester further reading of the amendment was dispensed with.

On motion of Mr. Seavey of Rochester the House adopted the report of the Committee of Conference.

The Committee of Conference, to whom was referred House Bill No. 324, An act making appropriations for the expenses of the state of New Hampshire for the year ending June 30, 1941, report the same with the recommendation that the House recede from its position of non-concurrence and that the Senate recede from its position in adopting its amendments and that the Senate and House adopt the following amendments:

Amend the second item of the appropriations by striking out the words "State government association" and inserting in place thereof the words, Council of State Governments.

Amend the paragraph relative to the executive department as follows: for council per diem strike out the figure "\$8,000" and insert the figure \$7,500; strike out the words, per diem compensation and expenses of the council shall be paid from this fund and no

compensation or expenses shall be paid from any other state funds"; for emergency fund strike out the figure \$40,000 and insert in place thereof the following, July 1, 1940 to December 31, 1940, \$22,500; January 1, 1941 to June 30, 1941, \$22,500; change the total for said department from "\$71,765" to \$76,265.

Amend the total for the probate court by striking out the figure "\$37,000" and inserting \$37,900.

Amend the paragraph for the department of agriculture as follows: for insect suppression, salaries of clerks strike out "\$7,865" and insert the figure \$8,765; change the total of insect suppression from \$11,600 to \$12,500; for bureau of markets, for salaries strike out the figure "\$3,075" and insert the figure \$3,237; change the total for said bureau from \$3,850 to \$4,012; change the total for animal industry from \$90,056 to \$92,756; change the total for said department from \$145,297 to \$149,059.

Amend the paragraph for the comptroller's department, as follows: for current expenses strike out the figure \$2,500 and insert the figure \$2,700; add to said appropriation the following:

For mailing division:

Clerical expenses .....	\$3,535.00	
Current expenses .....	365.00	
Equipment .....	50.00	
Total	<hr/>	\$3,950.00

change the first total from \$26,337.50 to \$30,487.50 and change the last total from \$33,587.50 to \$37,737.50.

Amend the paragraph for the insurance department as follows: for clerical expenses strike out the figure \$8,800 and insert the figure \$10,800; current expenses strike out the figure \$4,000 and insert the figure \$4,850; change the total for the department from \$22,100 to \$24,950.

Amend the paragraph for the bureau of labor as follows: for salary of commissioner strike out the figure \$3,000 and insert the figure \$4,000; for clerical expenses strike out the figure \$5,100 and insert the figure \$5,600; change the total for the office of the commissioner from \$11,450 to \$12,950 and change the total for the department from \$56,400 to \$57,900.

Amend the paragraph for the state department as follows: strike out the words and figure "presidential primary \$7,000" and insert the words and figure Daniel Webster birthplace \$800; change the total for the department from \$49,520 to \$43,320.

Amend the paragraph for the state house department as follows: strike out the words and figure "Daniel Webster birthplace \$735"; change the total for said department from \$111,226 to \$110,491.

Amend the paragraph for weights and measures as follows: for clerical expenses strike out the figure \$1,050 and insert the figure \$1,550; strike out the word and figure "equipment \$100"; change the total for said department from \$17,375 to \$17,775.

Amend the paragraph for the industrial school as follows: for custodial care, for current expenses strike out the figure \$17,800 and insert the figure \$18,620; change the total for custodial care from \$38,770 to \$39,590; change the total for the institution from \$89,985 to \$90,805.

Amend the paragraph for the state board of education as follows: strike out the words "normal schools" where they occur and insert the words teachers' college; strike out the paragraph after the total appropriation and insert in place thereof the following:

In addition to the above appropriation said department shall receive for disbursement the income of the teachers' colleges dormitories and practice schools, and

the sums paid by school districts for the salaries of superintendents under section 40, chapter 117 of the Public Laws. In this department any balance, excepting the equalization fund, which may be unexpended in any fiscal year, shall be placed in a special fund available for use for maintenance purposes the following year by and with the consent of the governor and council.

Amend the paragraph for the board of health as follows: for venereal diseases, current expenses strike out the figure \$1,920 and insert the figure \$2,630; change the total for venereal diseases from \$8,190 to \$8,900; for laboratory of hygiene strike out the figure for current expenses \$4,150 and insert the figure \$4,550; change the total for said laboratory from \$20,832 to \$21,232; for sanitation strike out the figure \$2,850 and insert the figure \$3,250; change the total for sanitation from \$11,450 to \$11,850; change the total for said department from \$87,292 to \$88,802.

Amend the paragraph for department of public welfare as follows: for field service revenue strike out the figure \$60,842.48 and insert the figure \$59,442.48; change the total for field service from \$124,702.52 to \$126,102.52 and change the total for said department from \$1,039,481.60 to \$1,040,881.60

Amend the paragraph for cancer commission by striking out said paragraph and inserting in place thereto the following:

For cancer commission:

Professional service . . . . .	\$12,500.00
Clerical expenses . . . . .	3,800.00
Current expenses . . . . .	16,050.00
Equipment . . . . .	150.00
Total	<hr/> \$32,500.00

Amend the paragraph for the public library commission as follows: for traveling libraries for books strike out the figure \$2,000 and insert the figure \$3,000; change the total for said libraries from \$2,675 to \$3,675; for field work strike out the figure \$1,265 and insert the figure \$2,465; change the total for the department from \$16,295 to \$18,495.

Amend the paragraph for the public service commission as follows: for engineers strike out the figure \$45,300 and insert the figure \$45,600; change the total \$88,255 to \$88,555; change the last total from \$66,855 to \$67,155.

Amend the paragraph for the tax commission as follows: add before the total the following:

Administration of tobacco tax:

Clerical expenses .....	\$13,400.00
Current expenses .....	14,600.00
Equipment .....	200.00
Total .....	————— \$28,200.00

Change the total for said department from \$39,225 to \$67,425.

Amend the paragraph for the milk control board as follows: for current expenses strike out the figure \$4,089 and insert the figure \$5,089; change the total from \$12,000 to \$13,000.

Insert before the appropriation for the pharmacy commission the following:

For water resources board .....	\$20,000.00
For Eastern States Exposition building commission .....	\$1,000.00

Add after section 1 the following new section:

2. *Takes Effect.* This act shall take effect July 1, 1940.

LEO L. OSBORNE,  
GEORGE W. BOYNTON,  
RALPH F. SEAVEY,  
ROBERT H. SANDERSON,  
KENNETH G. BELL,

*Conferees on the part of the House.*

CHARLES F. BUTLER,  
CURTIS H. PAGE,  
THOMAS B. O'MALLEY,

*Conferees on the part of the Senate.*

The reading of the amendment having commenced on motion of Mr. Seavey of Rochester further reading of the amendment was dispensed with.

On motion of Mr. Seavey the report of the Committee of Conference was adopted.

The Committee of Conference to whom was referred House Bill No. 315, An act relative to the State Hospital, having considered the same, reported the same with the recommendation that the Senate recede from its position in adopting its amendment and the House recede from its position of non-concurrence and the following amendment be adopted:

Amend the title of said bill by striking out the same and inserting in place thereof the following:

An act relative to the state hospital and Laconia state school.

Amend section 1 by striking out the whole of said section and inserting in place thereof the following:

1. *Appropriation.* For the purpose of additional facilities for the state hospital there is hereby appropriated the sum of one million dollars for such of the



following items as the Governor and Council may approve: (a) to cover the cost to change the electric system from D. C. to A. C. current, including wiring, motors and equipment; (b) power plant equipment; (c) pump and elevator for the Thayer building; (d) new steam main for the Walker building; (e) exhaust heaters for the Walker and Tobey buildings; (f) vacuum system for the Kent building; (g) laundry equipment; (h) renovation of water mains and hydrants; (i) construction and equipment of a medical-surgical building or admission building; (j) the construction and equipment of one patients' dormitory of one hundred beds to be located on land of the State Hospital; (k) and the construction and equipment of one patients' dormitory of one hundred beds to be located on land of the Laconia State School, the site of the latter dormitory to be chosen by the trustees of said school with the approval of the governor and council; said dormitory upon completion shall be under the jurisdiction and control of the trustees of said school. Feeble-minded adults may with the approval of the trustees and superintendent of said school be transferred from the state hospital by its superintendent to said dormitories and other feeble-minded adults may, with the approval of the trustees and superintendent of said school, be committed thereto, as now by law permitted; (l) purchase of land, to be located not more than five miles from the present hospital grounds in Concord; (m) for additions and extensions to the commissary department. The appropriation hereby made shall be expended by the trustees of the state hospital except the dormitory at the Laconia State School which shall be by the trustees of the State School, in accordance with plans

and specifications to be approved by the Governor and Council.

CHARLES F. BUTLER,  
WILLIAM WESTON,  
*Conferees on the part of the Senate.*

RALPH F. SEAVEY,  
WILLIAM H. HOYT,  
LEO L. OSBORNE,  
*Conferees on the part of the House.*

On motion of Mr. Hoyt the report of the Committee of Conference was adopted.

The Committee of Conference, to whom was referred House Bill No. 358, An act creating a state aeronautics commission, reported the same with the recommendation that the Senate recede from its position in adopting its amendments and the House recede from its position of non-concurrence and that the House and Senate adopt the following amendments:

Amend the title of said bill by striking out the same and inserting in place thereof the following:

An act relating to the development of aeronautical facilities.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *Name of Act.* This act shall be known and may be cited as the New Hampshire Aeronautics Act of 1939.

2. *Declaration of Purpose.* It is hereby declared that the purpose of this act is to further the public interest by (a) the encouragement and development of an air transportation system properly adapted to the present and future needs of the state by the establishment, construction and maintenance of air navigation

facilities to meet those needs, and (b) the encouragement and development of civil aeronautics.

3. *Definitions.* As used in this act, unless the context otherwise requires, the following words shall have the following meanings:

I. "Aeronautics" means the science and art of flight.

II. "Air navigation facility" means any facility used in, available for use in, or designed for use in, aid of air navigation, including landing areas, lights, any apparatus or equipment for disseminating weather information, for signaling, for radio-directional finding, or for radio or other electrical communication, and any other structure or mechanism having a similar purpose for guiding or controlling flight in the air or the landing and take-off of aircraft.

III. "Airport" means a landing area providing certain specified facilities and services for use in connection with air transportation.

IV. "Landing area" means any locality, either of land or water, including airports and intermediate landing fields which is used, or intended to be used, for the landing and take-off of aircraft, whether or not facilities are provided for the shelter, servicing, or repair of aircraft, or for receiving or discharging passengers or cargo.

4. *Appointment of Director.* There is hereby created the office of director of aeronautics. Said director shall be appointed by the governor with the advice and consent of the council, and shall serve for an indefinite term, at the pleasure of the governor and council.

5. *Compensation.* The director shall serve without compensation but shall be reimbursed in a sum

not to exceed fifteen hundred dollars for all traveling and other expenses incurred by him in the discharge of his official duties.

6. *Duties.* The director, immediately after appointment shall prepare and present to the governor and council a comprehensive, state-wide program for the development, construction and maintenance of air navigation facilities, with preliminary plans and estimates of cost, and the recommended apportionment of these costs between the state and local municipalities. The director shall, with the approval of the governor and council, execute all matters pertaining to the promotion and development of aeronautics in the state. The director shall exercise general supervision, control and direction, on behalf of the state, over all matters pertaining to the location, construction and maintenance of all air navigation facilities, now or hereafter built or maintained, either in whole or in part, with money appropriated from the state treasury. He may recommend to the governor and council that the state acquire land, easements and rights of way for the establishment of air navigation facilities.

7. *Established Authorized.* The director, with the approval of the governor and council, shall establish a state airways system, consisting of landing areas, both land and water, airport and airway marking and lighting, and other aids to air navigation, adequate for air transportation service to the entire state. The system shall be supplementary to the federal airways system and such parts of it as are provided and maintained by federal agencies within the state. The system may include all air navigation facilities maintained for public use, whether publicly or privately owned, under such terms and conditions as meet the approval of the director.

8. *Public Ownership.* The state is hereby authorized to acquire, construct, maintain, and operate, any air navigation facility, and may do so jointly with the United States, other states, or with any governmental unit of the state.

9. *Suits Affecting.* The construction, maintenance and operation of air navigation facilities is hereby declared a public governmental function, and no action or suit shall be brought or maintained against the state, or any county or town thereof, or its officers, agents, servants, or employees, in or about the construction, maintenance, operation, superintendence, or management of any air navigation facility.

10. *Acceptance of Federal Aid.* The state and the towns are hereby authorized to accept funds from the United States for the construction and maintenance of air navigation facilities. The director is hereby authorized to act for the state and towns with representatives of the federal government, in all matters pertaining to acceptance of such federal aid.

11. *Use of Air Navigation Facilities.* There shall be no exclusive right for the use of any landing area or air navigation facility upon which state or federal funds have been expended. Provided, that the state acquiring air navigation facilities under the provisions of this act, is authorized to construct for or lease to any person the use of the facilities, and may establish reasonable rent or fees therefor.

12. *Appropriation.* For the purposes of this act there is hereby appropriated the sum of fifteen hundred dollars annually and the governor is hereby authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

13. *Savings Clause.* In case any phrase or provision hereof shall be declared unconstitutional, the

remaining provisions shall not by reason thereof be invalid and the remainder of the act and its application shall not be affected thereby.

14. *Takes Effect.* This act shall take effect upon its passage.

WILLIAM WESTON,  
A. RALPH ESTABROOK,  
*Conferees on the part of the Senate.*

RALPH F. SEAVEY,  
L. L. OSBORNE,  
C. B. ETSLER,  
*Conferees on the part of the House.*

The reading of the amendment having commenced on motion of Mr. Etsler of Claremont further reading of the amendment was dispensed with.

On motion of Mr. Etsler of Claremont the report of the Committee of Conference was adopted.

### Recess

### After Recess

### Message from the Senate

A message from the Honorable Senate by its Clerk announced that the Senate had voted to discharge the Committee of Conference on House Bill No. 315, An act relative to the state hospital, and the President has appointed as members of a new committee on the part of the Senate, Senators Butler and Weston.

The message also announced that the Senate had voted to adopt the amendments offered by the Committee on Engrossed Bills, to the following house bills, in the adoption of which amendments the Senate asked the concurrence of the House of Representatives:



House Bill No. 228, An act relating to the control of navigation at Hampton harbor, the inlet, so called, and the Hampton river.

Amend section 1 of said bill by adding the words "and pay" at the end of section 12-a.

Amend the paragraph numbered 12-c by striking out the last sentence and inserting in place thereof the following:

All fines collected under the provisions of this section shall be forwarded by the court collecting the same to the New Hampshire Shore and Beach Preservation and Development Commission and by it applied toward the salary of said harbor master.

On motion of Mr. Baker of Concord the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 444, An act relative to the powers of the fiscal agent of Coos county.

Amend section 2 of said bill by adding at the end thereof the words, provided, however, that the said serial notes issued hereunder shall be payable prior to April 1, 1948.

On motion of Mrs. Mason of Berlin the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

The message further announced that the Senate had voted to adopt the report of the Committee of Conference on House Bill No. 323, An act making appropriations for the expenses of the State of New Hampshire for the year ending June 30, 1940.

House Bill No. 324, An act making appropriations

for the expenses of the State of New Hampshire for the year ending June 30, 1941.

House Bill No. 358, An act creating a State Aeronautics Commission.

House Bill No. 315, An act relative to the state hospital and Laconia state school.

### Recess

### After Recess

### Committee Report

Mr. Sawyer of Woodstock, for the Committee on Engrossed Bills, reported that the committee had examined and found correctly engrossed the following entitled bills and joint resolution;

House Bill No. 228, An act relating to the control of navigation at Hampton harbor, the inlet, so called, and Hampton river.

House Bill No. 315, An act relative to the state hospital and Laconia state school.

House Bill No. 323, An act making appropriations for the expenses of the State of New Hampshire for the year ending June 30, 1940.

House Bill No. 324, An act making appropriations for the expenses of the State of New Hampshire for the year ending June 30, 1941.

House Bill No. 354, An act in amendment of the charter of the city of Keene.

House Bill No. 358, An act relating to the development of aeronautical facilities.

House Bill No. 431, An act relative to bonds of wholesaler and manufacturer permittees for the sale of certain alcoholic beverages, and for a building for the state liquor commission.

House Bill No. 444, An act relative to the powers of the fiscal agent of Coos county.

House Joint Resolution No. 13, Joint resolution in favor of James F. Donahue and George C. Hamlin.

The report was accepted.

### Indefinitely Postponed

In accordance with the concurrent resolution that all bills and joint resolutions pending in either branch on Friday, June 16, at 5 o'clock be indefinitely postponed, the following bills and joint resolutions were indefinitely postponed:

House Joint Resolution No. 68, Joint resolution in favor of Fred R. Brown of Swanzey.

House Bill No. 58, An act relating to the register of deeds.

House Bill No. 72, An act relating to absent voting.

House Bill No. 195, An act relating to payment of fees on recreational areas.

House Bill No. 227, An act creating a retirement system for policemen.

House Bill No. 263, An act amending the city charter of Nashua.

House Bill No. 284, An act to revise the charter of the city of Keene.

House Bill No. 335, An act relative to limitation of non-resident students at the University of New Hampshire.

House Bill No. 370, An act providing for continuity of investigations by the state police.

House Bill No. 371, An act establishing a Board of Police Commissioners for the city of Rochester.

House Bill No. 388, An act to revise the charter of the city of Concord.

House Joint Resolution No. 30, Joint resolution relating to a state pier.

### Resolution

On motion of Mr. Sanderson of Pittsfield,

*Resolved*, That the Clerk be instructed to mail to members copies of Friday's Journal and other legislative matters not received on closing day.

### Message from the Senate

A message from the Honorable Senate by its Clerk announced that in accordance with the concurrent resolution previously adopted that all bills and joint resolutions pending in either branch of the legislature on Friday, June 16, at 5:00 o'clock, be indefinitely postponed, the following bill was indefinitely postponed:

House Bill No. 345, An act relating to the duties of the Adjutant General.

Senator Butler, of District No. 9, for the Joint Committee appointed to wait upon His Excellency, the Governor, and inform him that the Legislature had completed its duties, reported that they had attended to their duties and that the Governor informed them that he had no communication to lay before the House.

The report was accepted, and His Excellency, Francis P. Murphy, then came in and delivered the following message:

#### *To the House of Representatives:*

I have been informed by the Joint Committee of the Senate and the House of Representatives that you have completed the business of the session and are ready to adjourn.

For my part, I am glad to notify you that the bills and the resolutions that have been passed by the General Court on this closing day of the session have received executive approval.

I would not wish, however, to let you depart from the Capitol without expressing my appreciation, and

in this I am sure that I am reflecting the opinion of the people in general, for the thorough, expeditious, and intelligent manner in which you have discharged your duties in the course of the twenty-four weeks during which you have been in session.

There has not been a shorter regular session since 1931 and surely there have been very few in which there was so openly manifested a more earnest desire for wholesome cooperation between upper and lower branches of the Legislature and with the executive.

I can give personal testimony to that, as far as my own relationships with you are concerned. I believe, too, that every member of this body will agree with me that rarely has such a friendly spirit of collaboration prevailed in formal conference committees as well as in informal joint undertakings.

You have had several extremely important problems to consider, such as flood control, the elimination of the direct state tax, and the financing of future state highway construction, but to your credit be it said that you have solved those and many other issues of lesser importance in a manner which I regard as wholly harmonious with the public interest.

You have served the people faithfully. You are concluding your labors thus early largely because you have attended the sessions regularly and because you have worked hard on the tasks assigned you.

It is a fact well worthy of general noting that, during the entire session, there has not been a single working day when a quorum was not present in both branches, even at this last of your meetings. And the recorded attendance, as disclosed by roll calls, has been much higher than shown in previous years.

That, in my opinion, is a record which has not been approached in a great many years and indicates a significant change in attitude toward the transaction

of legislative affairs. For it, and for all that you have accomplished here, for the improvement of conditions in our state, I publicly thank you.

And I wish to compliment the President of the Honorable Senate and the Speaker of the House for the able and efficient manner in which they have presided over their respective bodies and the sincere co-operation and the full measure of assistance they have at all times given me.

And now, with regret, by virtue of the authority vested in me, as Governor, I do hereby declare the General Court of New Hampshire adjourned to the last Wednesday in the month of December, in the year of our Lord, one thousand nine hundred and forty. Good bye! And may God bless you all!

FRANCIS P. MURPHY,  
*Governor.*

Mr. Sanderson of Pittsfield moved that the House adjourn.

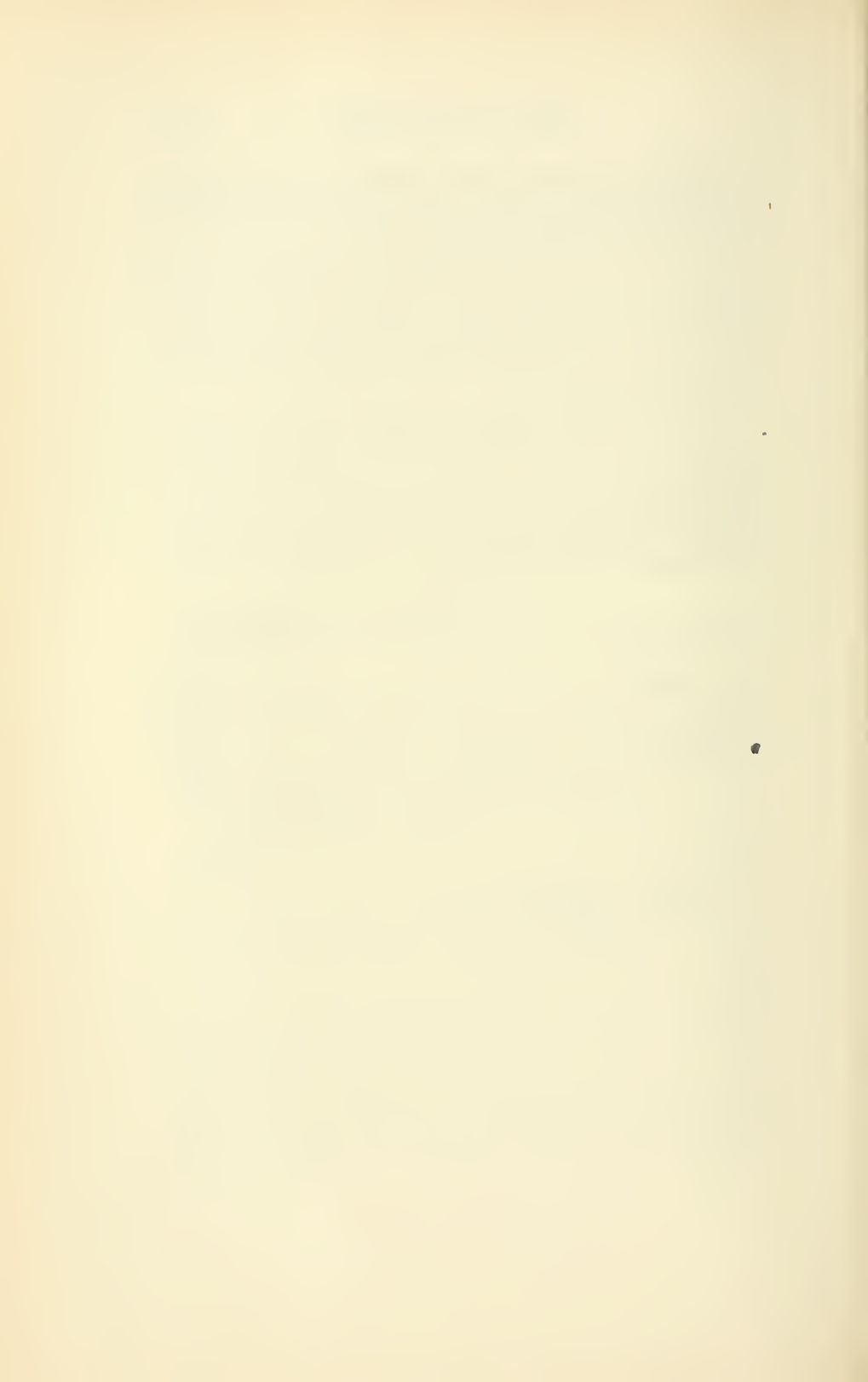
Whereupon the Speaker declared the House adjourned to the last Wednesday in December, 1940.

CYRIL J. FRETWELL,  
*Clerk.*

A true copy: attest

CYRIL J. FRETWELL,  
*Clerk.*





## APPENDIX

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### MILEAGE ROLL

Mr. Plumer of Milton for the Committee on Mileage presented the following report:

#### Rockingham County

	<i>Miles per Week</i>
Harvey F. Stowe .....	23
Bart E. Havican .....	38
Karl J. Persson .....	25
Preston E. Goodrich .....	32
Woodbury L. Rand .....	19
Robert W. Burbank .....	30
Harold W. Corson .....	30
George H. Grinnell .....	30
Oliver H. Hepworth .....	30
Frank A. J. Avery .....	42
Thomas W. Fecteau .....	35
Helen D. Bourn .....	43
Walter O. Pennell .....	43
Renfrew A. Thomson .....	43
Willard K. Tozier .....	43
Clifton H. Beede .....	33
James L. Miller .....	50
Frank W. Emerson .....	38
Charles Francis Adams .....	50
Forrest B. Creighton .....	50
Warren S. Keay .....	39
Frank A. Nesmith .....	26
Daniel R. Smith .....	44
Jackson Manning Hoyt .....	45
Arthur A. Labranche .....	38

	<i>Miles per Week</i>
George N. Willey .....	38
Robert S. Prescott .....	46
Forrest E. Knowles .....	51
Melvin W. Rowell .....	16
John A. Palmer .....	47
Americo J. Fransoso .....	47
Ernest E. Fredrickson .....	47
Arthur J. Reinhart .....	47
Harry H. Foote .....	48
Edwin W. Gray .....	46
Everett L. Marston .....	47
John H. Yeaton .....	48
William S. Canty .....	47
William Cogan .....	47
William H. Palfrey .....	48
John Burkhardt .....	48
Leo Liberson .....	48
Walter E. Quimby .....	30
Ernest A. Tucker .....	54
William Barron .....	48
Leonard B. Peever .....	45
Howard E. Smith .....	58
Earl M. Currier .....	45
George C. Jewell .....	50
George H. Butterfield .....	36

#### Strafford County

Bertha C. Hayes .....	28
Clifton R. Hayes .....	40
Frank P. Loughlin .....	39
Albert P. Sherry .....	39
Daniel J. Cronin .....	39
John Patrick King .....	39
Armand J. Ouellette .....	39

	<i>Miles per Week</i>
Frank F. Fernald .....	39
George W. Garland .....	39
Benjamin A. Brown .....	39
Ernest L. Lucas .....	43
Mark J. Pilgrim .....	39
Edward Durnin .....	39
J. Guy Smart .....	35
Carl C. Blanchard .....	43
Leon R. Hayes .....	43
Richard G. Hale .....	35
Lyman Plummer .....	45
George A. Pray .....	38
John F. Conrad .....	37
George Y. Emerson .....	37
Ashbel J. Young .....	38
George J. Potvin .....	36
Aurette Beaudoin .....	36
Joshua Studley .....	36
Sara E. Greenfield .....	36
Ralph F. Seavey .....	36
Forrest L. Nutter .....	43
Placide J. Lagueux .....	45
Napoleon A. Habel .....	45
Alfred J. Boucher .....	45
Edmund C. Hebert .....	45
Romeo St. Laurent .....	45
Onesime J. Dubois .....	45
Ellsworth H. Berry .....	34

#### Belknap County

Charles A. Rollins .....	40
Harry K. Hier .....	36
Herbert C. Adams .....	21
Arthur H. Lord .....	33

	<i>Miles per Week</i>
Amos R. Price .....	28
David O'Shan .....	35
George W. Tarlson .....	34
Alfred L. Guay .....	27
Fortunat A. Normandin .....	27
Elmer S. Tilton .....	28
Joseph H. Roucher .....	27
Frederick A. Tilton .....	27
Howard K. Ballou .....	27
Harry J. Rivers .....	28
Clarence E. Greene .....	30
Charles L. Simpson .....	30
Shepherd F. Brown .....	44
J. Frank Neal .....	46
Joseph W. Smith .....	42

#### Belknap County

Nathan T. Morse .....	22
Hooper R. Goodwin .....	19
Scott C. W. Simpson .....	85
Elmer H. Downs .....	85
Perley W. Mudgett .....	83
George W. Russell .....	85
Willis D. Gale .....	65
Leonard A. Fernald .....	95
Guy W. Nickerson .....	72
Edith D. Banfield .....	50
Chester E. Merrow .....	62
Perley C. Knox .....	55
Leonard H. Vittum .....	60
Royal P. Young .....	52
Ansel N. Sanborn .....	54
Ralph C. Carpenter, 2nd .....	45
Raymond E. Jewell .....	45

## Merrimack County

	<i>Miles per Week</i>
Narcisse V. Guilbeault .....	2
Gladys E. MacPhee .....	25
Maurice S. Nichols .....	8
Frank E. Woodbury .....	13
Joseph H. Trow .....	30
Charles Elliott Morrill .....	13
Leon A. Sanborn .....	8½
Charles P. Coakley .....	8
Roger Dunlap .....	3
George W. Kemp .....	5
John E. Bunten .....	4
Eugene L. Collins .....	34
Henry Milburn .....	11
Albert J. Yeaton .....	12
Lester C. Maxfield .....	24
Emile Carignan .....	21
Eusebe P. Lemire .....	21
John P. Dempsey .....	21
James S. Shaw .....	21
Charles J. Burnham .....	17
Edward M. DuDevoir .....	9
Alphonse Lafond .....	10
Lewis A. Nelson .....	12
Charles L. Merrill .....	15
Albert W. Cheney .....	36
Herbert D. Swift .....	36
Lucien F. Batchelder .....	19
Oscar I. Boisvert .....	7
Antonio Dupont .....	8
John H. Perkins .....	15
Robert H. Sanderson .....	15
Sydney Clark .....	21
Fred M. Anderson .....	35



	<i>Miles per Week</i>
Alfred S. Cloues .....	18
Ernest Stuart .....	30

### Hillsborough County

Ralph C. Bills .....	30
Hugh M. Graham .....	33
Ralph M. Wiggin .....	23
Arthur J. Pierce .....	32
Llewellyn S. Powers .....	42
Stuart Michie .....	32
Carroll F. Clark .....	31
John W. Brown .....	21
A. Kenneth Harmbleton .....	18
Arthur E. Pattee .....	18
Bernadette E. Charois .....	48
Maurice S. Tuttle .....	39
George W. Boynton .....	23
Frank D. Gay .....	25
Henry A. Wilson .....	45
Fred T. Goodwin .....	39
Arthur W. Smith .....	40
John A. Reid .....	26
Harry W. Bergholtz .....	20
Stoddard B. E. Chase .....	18
Joel S. Daniels, Sr. ....	18
Edward T. Knowlton .....	18
Charles Henry Barnard .....	18
Perley W. Gage .....	18
Victor C. Johnson .....	19
Charles V. Kimball .....	19
Charles E. Woodbury .....	19
Joseph M. Barry .....	21
Michael J. Dwyer .....	21
James J. Shea .....	21

	<i>Miles per Week</i>
Michael A. Talty .....	21
Marjorie S. Woodbury .....	19
James S. Duffley .....	21
John J. Frain .....	20
Thomas J. McGowan .....	21
D. Frank O'Neil .....	20
Joseph J. Betley .....	21
Napoleon Dulac .....	20
George T. Healy .....	20
George E. Houle .....	21
Arthur J. Lacroix .....	21
Martin L. Mahoney .....	20
John C. O'Brien .....	20
Richard J. Barry .....	20
William J. Booth .....	22
John G. Clancy .....	22
Paul J. Connolly .....	22
Frank M. Fox .....	22
John J. Sullivan .....	22
Armand J. Benoit .....	20
Alcide R. Gagnon .....	20
Joseph C. Gaumont .....	21
Arthur J. Jean .....	21
P. Romeo Poirier .....	21
Gedeon A. Turcotte .....	20
Edmond Benoit .....	21
Edward F. Bouthiette .....	22
George A. Brousseau .....	21
George N. Constant .....	21
Michael S. Donnelly .....	22
Joseph O. Gelinas .....	21
John J. Kane .....	21
Michael P. Wedick .....	19
Leo Boisvert .....	20

	<i>Miles per Week</i>
John F. Driscoll .....	18
Lionel E. Plante .....	19
William N. Brown .....	22
Marye L. Caron .....	22
Paul L. Gilmartin .....	22
Louis J. Head .....	20
Hubert T. Carroll .....	20
John B. Mullen .....	20
Joseph J. Roukey .....	21
Francis H. Sweeney .....	21
Joseph P. Aubin .....	21
Charles A. Caron .....	21
J. Charles Durette .....	21
Alpha J. Letendre .....	21
Louis J. Soucy .....	21
Adolphe Duval .....	21
Lorenzo L. Gauthier .....	21
George I. Ladouceur .....	21
Hector J. Rousseau .....	21
Arthur Thibodeau .....	21
Albert C. Whitaker .....	49
Edward W. Carter .....	36
Charles S. Emerson .....	33
George R. Foster .....	33
Fred T. Wadleigh .....	33
Arvid G. Erlando .....	35
Blaylock Atherton .....	37
Mabel Thompson Cooper .....	37
George W. Underhill .....	37
Charles I. Woodbury .....	37
Patrick J. Duclos .....	37
Grace M. Griswold .....	37
Wilfred J. Belanger .....	38
Octave J. Goulet .....	38
Hector Trombley .....	38

	<i>Miles per Week</i>
Thomas F. Sullivan .....	38
Timothy J. Sullivan .....	38
J. Adelard Berube .....	33
Emile E. Marquis .....	37
Joseph A. Moussette .....	38
Eulalie L. Fournier .....	38
Robert St. Francois .....	38
Frank B. Shea .....	38
Aimable B. Goyette .....	38
John A. Ledoux .....	38
Frank A. Ledoux .....	38
Frank A. Lougee .....	38
Rodolphe Cormier .....	38
Wilfred Grandmaison .....	38
Anthony W. Joyce .....	38
John D. Wilcox .....	38
William R. Hurbonovich .....	38
Auguste Senechal .....	38
Albert E. Shedd .....	26
William T. Thompson .....	50
Albert H. Jones .....	42
Perkins Bass .....	45
George A. Myhaver .....	45
Frank H. Peaslee .....	17
Peter J. Dugan .....	40

### Cheshire County

Donald W. Moore .....	60
E. James Winslow .....	69
Charles R. Thomas .....	53
George F. Miller .....	66
Pauline I. Hanson .....	53
John N. Clark .....	50
Abbie H. Robertson .....	73

	<i>Miles per Week</i>
George H. Duncan .....	52
Jason C. Sawyer .....	66½
Russell F. Batchelor .....	53
Francis P. Callahan .....	53
George F. Knowlton .....	53
Sidney S. Frissell .....	53
Clivord W. Martin .....	53
Wakefield Dort .....	53
Wilder F. Gates .....	53
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